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# THE HISTORY

OF

# SOUTH CAROLINA

UNDER THE

## PROPRIETARY GOVERNMENT

1670-1719

V. 2

BY

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carry it out. It was agreed to raise 600 provincial militia, an equal number of Indians, and ten vessels for the expedition. Port Royal was the place of rendezvous, and thence in September, 1702, the Governor at the head of his little army embarked.

In the plan of operation it had been agreed that Colonel Daniel, with a detached party, should go by the inland passage and make a descent upon the town from the land, while the Governor should proceed by sea and block up the harbor. The precautions to keep the matter secret had been unavailing. The inhabitants of St. Augustine heard of it and sent at once to Havana for reinforcements. Retreating to their castle with their most valuable effects, and provisions for four months, they abandoned the town to the Carolinians. Colonel Daniel, proceeding by land to the St. John's River, going down that river in small boats and landing on the east bank in the rear of St. Augustine, took the villages of St. John's and St. Mary's, and arrived first at the point of attack. He had pillaged the town before the fleet arrived. The Governor now entered the harbor, landed his forces, made the church his quarters, and laid siege to the castle, which was surrounded by a deep moat; but, unfortunately, he was unprovided with suitable artillery for a siege. He held the town for a month and dispatched a sloop to Jamaica for mortars and bombs; but the commander of the vessel, either from fear or treachery, instead of going thither, came to Carolina. Remaining here for some time until shamed by the offer of others to go instead, he reluctantly proceeded again on his mission. The Governor all the while lay before the castle awaiting the return of the sloop with the guns; hearing nothing of it, Colonel Daniel, who was the life of the expedition, set sail himself for Jamaica.

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Having with great expedition procured a supply of bombs, he sailed again for St. Augustine; but in the meantime, during his absence, two ships had appeared in the offing, which Governor Moore took to be men-of-war, and incontinently raised the siege, abandoned his ships with all the stores, ammunition, and provisions to the enemy, while he retreated to Carolina by land. The two men-of-war that appeared to the Governor so formidable proved to be two small frigates, one of twenty-two and the other of sixteen guns. Colonel Daniel, thus abandoned on his return from Jamaica, with difficulty escaped capture. He was chased, but got away. The Carolinians lost but two men; but the expedition entailed a heavy expense upon the colony. It incurred a debt of £6000,<sup>1</sup> probably equal to \$120,000 in present currency.<sup>2</sup>

The Assembly had been under prorogation during the Governor's absence; and when he returned it met, January, 1703. The courage and conduct of Colonel Daniel were highly praised, but the Governor was thanked reluctantly, and not without dissent, especially from Mr. Ash.

Though greatly disappointed at the result of the expedition, the invasion of Florida was not abandoned. A majority of the Assembly began at once to enter upon a more extensive plan for the reduction not only of St. Augustine, but of Pensacola and other Spanish strongholds as well. A brigantine was offered to Colonel Daniel to cruise on the coast of Florida. The Assembly also offered to supply with provisions a frigate if one should be sent from England to cruise on their coast. Colonel Daniel

<sup>1</sup> *British Empire in Am.*, vol. I, 476-478; Carroll's *Coll.*, vol. II, 422-424; Hewatt's *Hist. of So. Ca.*, vol. I, 152-155; *Hist. Sketches of So. Ca.* (Rivers), 199-201, Appendix, 456.

<sup>2</sup> This is estimating the value of the pound sterling as before; but this value was fluctuating, and the value of money gradually lessening.





having declined the command of the brigantine, it was offered to Captain William Rhett. But before another invasion was undertaken, it was considered best to pay for the last, against which many citizens had just claims. After considerable delay, caused by the investigation of the committees, two bills were introduced, one laying an imposition on skins, furs, liquors, and other goods and merchandise imported into and exported out of the province, for raising a fund towards defraying the general charges and expenses of the province and paying the debts due for the expedition against St. Augustine, and the other for raising £4000 in addition to the £2000 which it had at first been estimated would cover the expenses of the expedition. This sum was to be raised by a direct tax upon real and personal estates, and bills of credit were to be issued. The first of these measures, which was adopted on the 6th of May, 1703, is remarkable for a provision imposing a duty of twenty shillings a head on every negro slave (children under eight years old excepted) imported from the West Indies, or any other place but Africa, and sold in the province; and ten shillings per head on all such imported from Africa.<sup>1</sup> This was the first tax imposed upon the importation of negroes. The bill to raise the additional sum of £4000 created great astonishment and gave opportunity to the disaffected for a renewal of their opposition. To fill up the measure of their discontent, a bill twice passed by the House for regulating elections being sent to the Governor and Council for concurrence was summarily rejected, without, as usual, inviting a conference. Upon this, several — Oldmixon says fifteen out of thirty members who constituted the House — entered their protest under the instructions of those who sent them, they said, and left the House. But this they appear to

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 201.



have done more by way of threat than with an intention of permanent withdrawal; for the very next day, without any invitation to return, they all came back and offered to resume their seats if the rest of the Assembly would join them in the assertion of their rights. The remaining members of the Assembly, however, had taken them at their word, and instead of welcoming them back, the protesting members complained that they were abused, reviled, and treated with the most scandalous reflections, very unbecoming, they observe, of an Assembly. The House, however, could not make a quorum without them, and so were obliged to adjourn.

The Colleton members had, by their own showing, so far behaved in a weak, undignified, and unmanly manner. They had begun by making the most injurious charges against the honesty of the Governor and Council, imputing the most scandalous motives, holding back when the welfare and safety of the province demanded the most earnest support of the expedition against St. Augustine, resisting the enfranchisement of the French while making new demands for their own privileges; then because they could not have their own way, they had withdrawn from the house, and immediately changing their minds had come back, begging to be received again. It is almost pitiful to read their whining complaint to the Lords Proprietors. They wrote:—

“And we further represent to your Lordships that a day or two after such abuse was given to them in the house several of the said members viz: the said *John Ash—Landgrave Thomas Smith*<sup>1</sup> and others

<sup>1</sup> Thomas Smith, the second son of Thomas Smith, the Landgrave, who died in 1692. This Thomas Smith, Mrs. Poyas says, was born in England in 1679, and was brought over when a few months old. He was called the “little Englishman.” *The Olden Time of Carolina*, 18. But this, we have been informed, is a mistake. He was born in Madagascar, where his father lived before he came to South Carolina.





were assaulted & set upon in the open street without any provocation or affront by them given or offered. The said *Thomas Smith* was set upon by Lieut Col: *George Dearsby* who with his drawn sword and the point held at the said *Smith's* belly swore he would kill him, and if he had not been prevented would have done the said *Smith* some considerable mischief to the endangering of his life. The said *John Ash* walking along the Street was assaulted by a rude drunken ungovernable rabble headed encouraged & abbetted by the said *Dearsby Thomas Dalton Nicholas Nary* and other persons Inhabitants who set upon the said *Ash* and used him villanously & barbarously; and that evening when he the said *Ash* was retired into a friends chamber for security the same armed multitude came to the House where the said *Ash* was & demanded him down assuring him at the same time that they would do him no hart, but only wanted to discourse with him; upon which assurance he came down to them who notwithstanding being encouraged and assisted by Captain *Rhett* & others drew him on board his the said *Rhett's* ship revilling him & threatening him as they dragged him along; and having gotten him on board the said *Rhett's* ship they sometimes told him they would carry him to *Jamaica* at other times they threatened to hang him or leave him on some remote Island."

They complained that the Governor was cognizant of the riot, treated many persons engaged in it to drink, and gave them great encouragement, telling them "that the protesting members would bring the people on their heads for neglecting to pay the country's debts; which if it should happen he knew not who could blame them." etc.; that while the riot continued, which it did for four or five days, Landgrave Edmund Bellinger, who was a Justice of the Peace, was the only official who attempted to do his duty; and that for so doing Captain *Rhett* had beat him over the head with his cane; that during the riot a woman, the wife of a butcher, was thrown down, miscarried and brought forth a dead child; that when *Ash, Smith, Byres, and Boone* complained to the Governor, they received no other satisfaction than that "it was a business for a Justice of the Peace."<sup>1</sup>

<sup>1</sup> *Hist. Sketches of So. Cal. (Rivers), Appendix, 459.*





And so undoubtedly it was. There was, no doubt, a riot caused by the indignation of the people against the protesting members, who, to carry an election law they desired for the exclusion of the French, to prevent the payment of the claims arising from the expedition to St. Augustine, and to prevent the sending another expedition to destroy that stronghold of the inveterate enemy of the community, had broken the quorum of the House. For their own political ends, they had thwarted the purposes of the people in a matter vitally affecting their safety. And yet in the terrible riot that occurred, nobody had been seriously hurt, unless it was the woman who had been accidentally thrown down in opening a door.

To sum up the casualties. Landgrave Smith had had a sword pointed at him, Landgrave Bellinger had received a whack across his head, and Thomas Ash had been tussled into a boat and frightened into believing that he was to be sent to Jamaica.

There was no court held in Charles Town after the riot, until Moore was superseded and transferred to his new office, that of Attorney General; and it was scarcely to be expected that under the circumstances he would have been vigorous in the prosecution of the rioters. Bellinger did, nevertheless, lay a record of the events before the grand jury, but no presentment was made. Neither the new Governor, the Council, nor the courts took any steps in the matter. Nor did the aggrieved party meet with support or sympathy when they sent Mr. Ash, as their agent, to the Proprietors in England with the memorial from which the above-mentioned events have been mostly taken.



## CHAPTER XVII

1701-1706

JOHN, Earl of Bath, the fourth Palatine, died August 21, 1701. But so negligent were the Proprietors of the affairs of the colony that no meeting was held for five months after his death. Then, on January 10, 1701-1702, John Lord Granville succeeded the Earl his father, as the fifth Palatine of Carolina.<sup>1</sup> The other proprietorships were represented by William Lord Craven; the Hon. Maurice Ashley, son of the second Earl of Shaftesbury; that of the minor Lord Carteret by Lord Granville. The troublesome share of Sir William Berkeley, held by Mr. Thornburgh, substituted trustee in the place of Thomas Amy, who was now dead, was in 1705 sold to John Archdale, who thus appears to have recognized the right of the four Proprietors under their purchase from Ludwell and his wife, notwithstanding his own previous purchase from that lady. The share of the Earl of Clarendon, then of Sothell, which the Proprietors had given to Thomas Amy, he had settled upon Nicholas Trott, Esq., of London, who had married his daughter,<sup>2</sup> but the other Proprietors never recognized Trott's proprietorship, nor admitted him to its possession or profits. The Colleton share was represented by the second Sir John Colleton,

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 150.

<sup>2</sup> *Danson v. Trott, et al.*, 3d Brown's *Parl. Reports*, 449. This Nicholas Trott was a cousin of the Nicholas Trott in Carolina. He was the same who joined with John Trott in giving a power of attorney to collect from William Rhett their share of a mercantile adventure.





lately become of age. That formerly of Lord Berkeley was now owned by the minor son of Landgrave Joseph Blake.

On March 11, 1701, the Privy Council announced to the Proprietors of Carolina the death of King William and ordered the proclamation of Queen Anne. This order, on March 21, the Proprietors enclose to the Governor and Council in Carolina.<sup>1</sup> On May 3, 1702, the Commissioners of Trade formally notify the Proprietors of the war with France and Spain. In the meanwhile the Board of Trade, urged on by Randolph, were advising the Royal authorities to reassume the government of the colonies and unite them under one administration. "An act for remitting to the crown the government of several colonies and plantations in America" was drawn, and only failed of passage in Parliament, it was said, by reason of the shortness of time and multiplicity of other business.<sup>2</sup>

In 1699 the Proprietors had been summoned to Whitehall and asked how it was that his Majesty's approbation had not been obtained for appointment of Governor Blake as required by the act of Parliament for preventing frauds, etc. Mr. Thornburgh, answering for them, had stated that the then Governor (Blake) was not so by virtue of any commission from the Proprietors, but by virtue of the Fundamental Constitutions as being a Proprietor himself; but that the Lords Proprietors contemplated deputing one before long.<sup>3</sup> This was not strictly true. Blake, as we have seen, had been appointed by Archdale under a power from their board, an appointment which had been approved by them.<sup>4</sup> Three years had elapsed and no appointment had been made. They now at last determined to appoint Sir Nathaniel Johnson. Hewatt states that the Proprietors could not at first obtain Queen Anne's appro-

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 151.

<sup>2</sup> *Ibid.*, 510.

<sup>3</sup> *Colonial Records of No. Ca.*, vol. I, 535, 540, 554. <sup>4</sup> See *ante*, pp. 287-288.





bation of Sir Nathaniel because it was suspected that he was not a friend to the Revolution, and that her approval could only be obtained on the condition of his giving security for the observance of the laws of trade and navigation, and to obey such instructions as should be sent him from time to time by her Majesty: which security the Commissioners of Trade and Plantations were ordered to take care should be sufficient.<sup>1</sup> The historian does not give his authority for the statement. It is scarcely probable that Queen Anne and her Tory administration, with Lord Godolphin at its head, would have objected to any one because he had refused to abandon the cause of the Stuarts. The requirement of security was a general regulation imposed at the instance of the Board of Trade in 1697, and which it appears the board was zealously enforcing. Sir Nathaniel was too much in accord with the political and religious views of the now dominant party in England to fear refusal of his confirmation as Governor of Carolina.

On the 18th of June, 1702, the Lords Proprietors issued their commission to Sir Nathaniel Johnson as Governor both of South and North Carolina; and with his commission they sent their instructions of the same date. He was to follow such rules as had been given to former Governors in the Fundamental Constitutions and Temporary Laws, and to be guided by them as far as in his judgment he might think fit and expedient. He was required, with the advice and assistance of his Council, carefully to review the Constitutions and to lay before the Assembly, for their concurrence and assent, such of them as he should think necessary to the better establishment of government and calculated for the good of the people. He was to use his endeavors to dispose of their lands, but to take nothing less than £20 for 1000 acres and in all

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 162.



future grants to provide that the lands should escheat to the Proprietors unless a settlement was made on them within the space of four years. He was to take special care that the Indians were not abused or insulted, and to study the best methods of civilizing them and making a firm friendship with them in order to protect the colony against the Spaniards. He was to transmit to England exact copies of all laws passed, and of all annual rents paid. An act had been passed in 1701 by the Assembly in South Carolina for regulating the proceedings of the Court of Admiralty in the province. The Proprietors sent to Governor Johnson an opinion of counsel furnished them by the Board of Trade, that its provisions were not in accordance with the practice of the High Court of Admiralty in England, and they instructed Sir Nathaniel to have the same amended as necessary.<sup>1</sup>

On the 28th of July Mr. Robert Johnson, the Governor's son, with Mr. Hutcheson, the agent of the Proprietors, attended at Whitehall and acquainting the board that he was in possession of an estate at Keeblesworth in the County of Durham with £200 per annum, which Sir Nathaniel, his father, who was tenant for life, had made over to him, he was accepted as one of his father's sureties. Mr. Thomas Cary, Archdale's son-in-law, a Carolina merchant, was taken for the other.<sup>2</sup>

Though Sir Nathaniel Johnson's commission was dated in June, 1702, it did not arrive in Carolina until some time in 1703. With his commission as Governor came also a commission for Nicholas Trort as Chief Justice, for James Moore, the Governor, as Attorney General, and for Job Howes as Surveyor General. When Granville had desired the Queen's approbation of Sir Nathaniel Johnson, the fact

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 162; *Colonial Records of No. Ca.*, vol. I, 555-557.

<sup>2</sup> *Ibid.*, 557.



was known that, while Governor in the West Indies, he had refused to take the new oaths upon the revolution in England which, as we have observed, was probably a recommendation of him to Anne, and his experience and courage were urged as particularly fitting him for the critical position of the Governor of a frontier during the war against France and Spain.<sup>1</sup>

With the new administration a new Assembly was elected, and the Colleton members charged that in this election that of the members to serve from Berkeley was managed with greater injustice to the freemen of the province even than the former. "For at this last election," they said, "Jews strangers, sailors servants, negroes and almost every *Frenchman* in Craven and Berkeley counties came down to elect and their votes were taken the persons by them voted for were returned by the Sheriff," etc.<sup>2</sup> It was the voting of the Frenchmen to which the Colleton dissenters were so opposed. This was the real ground and cause of their complaint, and the reason is obvious. There was no bitterness between the Huguenots and the High Churchmen. The Huguenots were not dissenters from the Church of England as were the Congregationalists under the lead of Morton and Boone, or as the Baptists under Screven. They were Protestants against the Church of Rome, just as were the churchmen of England. Though, in strict matter of faith, the Huguenot was a Calvinist, he had no disposition to quarrel with the establishment of the Church of England. On the contrary, he was most kindly disposed to that body, though not fully agreeing with all its tenets. When first driven from France, Canterbury offered an asylum to these persecuted Protestants, and Archbishop Parker, with the consent of Queen Elizabeth, granted the exiles the use

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 206.    <sup>2</sup> *Ibid.*, Appendix, 459.





of the undercroft or crypt of the cathedral where "the gentle and profitable strangers," as the archbishop styled them, not only celebrated their worship, but set up their looms and carried on their several trades.<sup>1</sup> The Huguenots had been protected by Cromwell, and Charles II had assisted at his own expense in the transportation of some of them to this country. They did not object to a liturgy. They themselves had been accustomed to one. It was because these people would not join the dissenters to control the colony that their indignation was so aroused because aliens were allowed to vote.

The new Assembly in April, 1703, thanked their Lordships the Proprietors for the appointment of Governor Johnson, and requested, as their own resources were exhausted by the late expedition, that the Queen would send them warlike stores and forces and a frigate, for they said: "Though we are immediately under your Lordships' government, yet we are her subjects, and we hope not only to defend ourselves, but even to take St. Augustine."

Governor Johnson devoted himself immediately to the fortification of the town and preparation for the defence of the province. With limited resources he wisely stayed at home and exerted himself to render the capital of his province as defensible as possible, but Moore, restless, energetic, and ambitious, and burning to redeem his diminished reputation, persuaded Sir Nathaniel to allow him to make another invasion of the territory of the Apalachian, northwest of St. Augustine, which supplied that place with provisions and in which there were many small Spanish forts and Roman Catholic chapels. Moore set forth in December, 1703, at the head of 50 Carolina volunteers and 1000

<sup>1</sup> *The Huguenots* (Samuel Smiles), 1868, 123; "Historical Sketch of South Carolina," Preface to *Cyclo. of Eminent Men of the Carolinas* (Edward McCrady).



Indians. The first town which he reached was one known as Ayaville, having a tolerably complete fortification with its usual appendage, a chapel. The Carolinians assaulted the fort, but were repulsed.

Balls and arrows greeted Moore's approach, from which his men first took refuge behind a mud-walled house, then, forming to the assault, they rushed forward and attempted to break down the chapel doors, but were beaten back with the loss of two men, — Francis Plowden and Thomas Dale. Two hours after they succeeded, with the aid of the Indians, in setting fire to the chapel. They captured only one white man, a friar, and about 50 Indians and over 100 women and children, and killed in the two assaults 25 men. The next morning 23 Spaniards, with 400 Indian allies, renewed battle with the Carolinians. The Carolinians were again victorious; the Spanish leader and eight of his men were taken prisoners, and five or six killed, with about 200 Indians. On the part of the Carolinians, Captain John Bellinger was killed fighting bravely at the head of his men. On the same day Captain Fox died of his wounds received at the assault at Ayaville. Five fortified towns now surrendered unconditionally.

The Cacique of Ibitachtka, being strongly posted, was treated with and compounded for safety with "his church plate and ten horses laden with provisions." "I am willing to bring away with me," says Colonel Moore, "free, as many of the Indians as I can, this being the address of the commons to your honor to order it so. This will make my men's part of plunder (which otherwise might have been £100 to a man) but small." He returned in March with 1300 free Apalachians and 100 slaves. By the devastation committed by Moore's own men and the depredations of his numerous allies, the country of the enemy was completely subdued. He received the thanks of the





Proprietors, "wiped off the ignominy of his failure at St. Augustine, and increased his means by the sale or bondage of Indian captives."<sup>1</sup>

The three ensuing years are among the most interesting in the history of the province. It was during these that, following the course of events in England, the attempt was made under the direction of Granville to exclude dissenters from participation in the government of the colony. But this important matter must be reserved for a succeeding chapter. For the present we pass over these years, to follow the events of the war between England on the one hand, and France and Spain on the other, which took place in Carolina.

Carolina, forming on the south and west the frontier of the English settlements, was open to invasion from Havana, as well as from St. Augustine. Sir Nathaniel Johnson, having long expected an attack from the French and Spaniards, had exerted himself to put the town and colony in the best state of defence. His first measure was one which was to be the basis of all future legislation in regard to the domestic police of the province and State, until the abolition of slavery. From the preamble of the act, which was passed in 1704,<sup>2</sup> we learn that its purpose was to provide against insurrections of the negro slaves upon occasions of invasion of the province which would draw the men of the colony to the coast. It provided for the draft of ten men from every militia company properly mounted, armed, and accoutred under a captain or other officer, whose duty it was to muster his men as a patrol upon all occasions of alarm, and at other times, as often as he or the General should think fit, and with them to ride

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 208, 209; Moore's account, Carroll's *Coll.*, vol. II, 374. Hewitt's *Hist. of So. Ca.*, vol. I, 157.

<sup>2</sup> *Statutes of So. Ca.*, vol. II, 254.



from plantation to plantation, and to take up all slaves which they should meet without their masters' plantations, which had not a permit or ticket from their masters, and to punish them as provided by the act for the better ordering of slaves. Upon this beginning was based the patrol laws which, modified from time to time, formed the military police system of which we have spoken in the introductory chapter. In the meanwhile the Governor pressed forward the work upon the fortifications and preparations for defence against the threatened invasion. In a letter of the Grand Council to the Queen's officers in England, written in 1708, the defences of the town erected at this time are thus described:—

“Charles Town the chief port in Carolina by the direction and dilligence of our present governor, Sir Nathaniel Johnson, is surrounded with a regular fortification, consisting of bastions, flankers and half moons ditched and palisaded and mounted with 83 guns. Also at the entrance of the harbor in a place called Windmill Point (within a carbine shot of which all vessels must pass by) is now building and almost finished a triangular fort and platform of capacity to mount 30 guns which when finished will be the key and bulwark of this province but wanting some large heavy guns both for the fortification and about Charles Town and the said fort and platform together with a suitable store of shot.”<sup>1</sup>

Windmill Point is that ever since known as Fort Johnson.<sup>2</sup> Trenches were cast up on White Point, now the Charleston Battery, and other places where thought necessary. A guard was stationed on Sullivan's Island, which

<sup>1</sup> MSS. Letter to Board of Trade, quoted by Rivers, *Hist. Sketches of So. Car.* 207.

<sup>2</sup> The point from which the first gun in the late war between the States was fired.



commanded a view of the ocean, with orders to kindle a number of fires opposite to the town equal to the number of ships that might appear on the coast.<sup>1</sup>

Yellow fever, which had first visited Charles Town in 1699, again made its appearance in 1706, and was raging in the town when news came that an expedition was being organized at Havana for the invasion of the place.

Governor Johnson had taken the precaution of having a privateer fitted out for cruising on the coast, under the command of Captain Stool, who was to keep a lookout, and was particularly charged to intercept supplies which were regularly sent to St. Augustine from Havana. Captain Stool had been out a few days when, on Saturday, the 24th of August, he returned, bringing the report that he had engaged a French sloop off the bar of St. Augustine, but upon seeing four other ships advancing to her assistance, he thought proper to make all the sail he could for Charles Town and had narrowly escaped falling into the enemy's hands. Scarcely had he made this report when five separate smokes appeared on Sullivan's Island as a signal to the town that that number of ships was observed on the coast.

This invasion had been concerted at Havana. Monsieur Le Feboure, a captain of a French frigate, with four armed sloops had set sail for Charles Town, with directions to touch at St. Augustine and to carry from thence such a force as he judged adequate to the enterprise. Upon his arrival at St. Augustine he had learned of the epidemic which raged at Charles Town, and that it had swept away a vast number of the inhabitants. This, instead of intimidating and deterring him from his purpose, determined him to proceed with greater expedition, hoping to find the town in a weak and defenceless condition, as the country militia, he supposed, would be afraid

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 180.





to come to its support because of the fatal infection. Taking on board a considerable number of men at St. Augustine, he made sail for Carolina.

Sir Nathaniel Johnson at the time was at his plantation Silk-Hope, several miles from town, but Lieutenant Colonel Rhett, commanding officer of the militia, who was on the spot, immediately ordered the drums to beat and all of the inhabitants to be put under arms. A messenger was dispatched with the news to the Governor and orders to all the captains of militia in the country to fire alarm guns, raise their companies, and march to the assistance of the town.

In the evening the enemy's fleet came to the bar; but as the passage was intricate, they did not think it prudent to venture over it in the darkness of the night. Early Sunday morning, the 25th, watchmen on Sullivan's Island observed them a little to the southward of the bar manning their galley and boats as if they intended to land on James Island. But they came to anchor and spent all that day in sounding the south bar. This delay was of great consequence to the Carolinians, as it afforded time to collect the militia in the country.

Sir Nathaniel Johnson came in on Sunday, and found the inhabitants in great consternation, but being a man of established courage and skill in war, his presence inspired the people with confidence and resolution. To avoid exposing the country troops to the contagion of the town, he established his headquarters about half a mile from it. Martial law was proclaimed. In the evening Major George Broughton, with two companies, and the gentlemen of Colonel Logan's troop arrived and kept watch during the night. Early on Tuesday morning, the 27th, Captains Johnson, Linche, and Hearne, and Drake from James Island were posted with their companies in the immediate neigh-



borhood of the town. The same morning the enemy, with four ships and a galley and a number of boats for landing their men, crossed the south bar and stood for the town with fair wind and tide: but when they came in view of its fortification, where the Governor with his forces stood ready to receive them, they suddenly bore up and came to anchor under Sullivan's Island. A sloop, which had been sent over to Wando River to bring Captain Fenwicke and his company, succeeded in doing so, notwithstanding an attempt of the enemy's galley to intercept them.

The next morning, Wednesday, the 28th, Captains Longbois from Santee and Seabrook from the islands, disregarding the pestilence, marched their men into the town. As the enemy hesitated, a council of war was held, and Governor Johnson determined to assume the offensive, and to go out and attack them. Three ships, a brigantine, two sloops, and a fireship, all the harbor afforded, were manned and equipped, and Colonel Rhett, who fortunately was a sailor, was commissioned as Vice Admiral, hoisted his flag, and was ready for action.

Observing these preparations for resistance, the enemy, who had so boldly crossed the bar, resorted to parley. They sent up a flag of truce to the Governor, summoning him to surrender. The flag was received by Captain Evans, the commander of Granville's Bastion, and the messenger upon landing was at once blindfolded, and held until Governor Johnson was ready to receive him. When taken to his presence, the messenger informed the Governor that he was sent to demand, in the name of the French King, the surrender of the town and country, and the inhabitants as prisoners of war, and that only one hour was granted for his decision. The Governor promptly and emphatically replied "that it needed not a quarter of an hour or a minute's time to give an answer to that de-





mand, for he might see he was not in such a condition as to be obliged to surrender the town; but that he kept the same and would defend it in the name and by the authority of the great Queen of England and that he valued not any force he had; and bid him go about his business."

Governor Johnson was given but an hour to reply: but when the reply was so promptly made, the demand was not followed up by the French commander at the expiration of the hour or even at the end of the day, nor was any general attack made. The day following, Thursday, the 29th, a party of the enemy went ashore on James Island and burnt the houses on a plantation by the river side. Another party, consisting of 160 men, on Friday morning, the 30th, landed on the opposite side of the harbor, and burnt two vessels in Dearsby's, now Shem's, Creek, and set fire to his storehouse. Captain Drake and his company, with a small party of Indians, was sent to James Island, to meet the enemy there, while Captain Fenwicke and Cantey crossed the Cooper, and marched against the party which had landed in Wando Neck. The latter party came up with the enemy before the break of day and, finding them unguarded with their fires burning, surprised them. A brisk engagement ensued, in which about a dozen of the invaders were killed and thirty-three taken prisoners. Some perished in attempting to escape by swimming. On the side of the Carolinians there was but one killed. Sir Nathaniel now assumed the aggressive. Colonel Rhett, with a fleet of six small vessels, on Saturday morning, the 31st, sailed out and proceeded down the river to where the enemy's ship lay at anchor. In haste and confusion they weighed and stood for sea. Threatening weather prevented a pursuit. Nothing more was heard of the enemy: but to be assured of their departure, on Sunday, the 1st of September, the Governor ordered



Captain Watson of the *Sea Flower* to search and report. The captain returned without seeing the enemy, but observing some men on shore whom they had left behind, he took them on board and brought them to town.

The country companies had been discharged and martial law had ceased, when information was now brought that a ship had anchored in Sewee Bay and landed its crew. Captain Fenwicke was at once, on Monday, the 2d of September sent by land against this new movement: while Colonel Rhett, Captain Evans, and a number of gentlemen as volunteers, went by sea in a Bermudian sloop with the privateer which had brought the information of the invasion. This ship at Sewee was one of the French fleet under Captain Pacquereau, having 200 men on board, and had been intended as an important part in the invasion. Captain Pacquereau does not seem to have been aware of the repulse of his comrades. A party of his men crossed the main from Sewee Bay to Hobcaw through Christ Church parish; there Captain Fenwicke attacked them, killed fourteen and took fifty prisoners, while the same day Colonel Rhett entered Sewee Bay and the ship immediately surrendered with ninety men aboard. Mr. John Barnwell, a volunteer, was dispatched by Colonel Rhett with news of the capture, as the contrary winds prevented the immediate return of the little victorious fleet with their prize and many captives. There were now 230 French and Spanish prisoners in Charles Town. It is not known how many, if any, of them died of yellow fever.<sup>1</sup>

The Governor thanked the citizen soldiery who had

<sup>1</sup> This account is taken from Hewatt and Rivers. Ramsay follows *reputation* that of Hewatt. Rivers's account is based upon the more reliable authority of a report written in Charles Town September 13, 1706, published in the *Boston News Letter*, and republished in the *Carolina Gazette*, June 2, 1796, which paper is to be found in the files in the Charleston Library.



responded so promptly to his call, under circumstances so unpropitious, for their valor and for their humanity, especially at a time when such violent estrangements existed between political parties. On the other hand, the Governor himself received from the Proprietors a substantial token of their approbation in a tract of land granted in terms most flattering and honorable. And well they might, for the funds for necessary expenses were raised by Governor Johnson on his individual responsibility.<sup>1</sup>

Thus ended, says Rivers, the first attempt to take the city of Charlestown by a naval force, which failed, not through the strength of its fortifications nor the multitude of its defenders, but through the courage and activity of its citizens. Since Rivers wrote, another and more signally glorious defence of the city has been made, whereupon a recent English author has written: "Three times has Charlestown been attacked from the sea. Twice in the last century, and once in the present, have the ever-growing resources of naval warfare been brought to bear upon her walls. Dalgren's monitors were as powerless against her mighty natural defences as the French privateers or as Parker's men-of-war, and the stronghold of slavery only sank in the common downfall of that cause of which she was the parent and leader. But of the three defences of Charlestown all marked by conspicuous resolution on the part of the garrison, the first is the only one with which Englishmen can well feel sympathy. In each of the latter sieges the assailants and defenders were of the same race and speech. The settlers who held Charlestown against the allied forces of France and Spain were partners in the glory of Stanhope and Marlborough, heirs to the glory of Drake and Raleigh."<sup>2</sup>

<sup>1</sup> *Hist. Sketches of So. Ca.*, 214, note.

<sup>2</sup> *Doyle's English Colonies in Am.*, 308.





## CHAPTER XVIII

1704

CAROLINA was a part of the British Empire, and a part which, though so distant, was drawing more and more closely in interest to the mother country. In the early days of the colony, the colonists had been too much engaged in clearing the grounds for their settlements, and erecting their cabins in the woods, to take much interest in the affairs of the old country. Busy in the first attempt at a settlement at Old Town on the Ashley, and their minds continually occupied with apprehensions of Indians and Spaniards, they had not been much concerned with the occasional news which reached them from England of the withdrawal of the Declaration of Indulgence to the Roman Catholics, or the Test Act, by which the reception of the sacrament, according to the forms of the Church of England, and renunciation of the doctrine of transubstantiation, were made the qualifications for office. Nor after their removal to Oyster Point had they felt themselves much interested in the Popish plot, or Exclusion Bill, or the Revocation of the Edict of Nantes, save inasmuch as these measures had driven to the province the non-conformists under Morton and Axtell, and the French Protestants under Petit and Grinard. The death of Charles II and the accession of James had not disturbed them. Their political thoughts had been chiefly engaged in resisting the absurd Fundamental Constitutions of Locke,



which the Proprietors were endeavoring to force upon them, and in extorting from their Lordships assurance of their titles to land, and the tenures under which they were to be held. But communication with London and Bristol and Dublin was now constant, not only through the Proprietors, but by the mercantile intercourse, which was steadily increasing. The province was beginning to recognize itself as a part of England, and every pulsation of political life there was now felt in the province without diminution, and was acted upon with as much zeal as at home. Political sentiment in Carolina at once responded, therefore, to the revival of Toryism upon the accession of Queen Anne, — a revival here which was greatly enhanced by the appointment of the faithful old soldier and follower of the Stuarts, Sir Nathaniel Johnson, as Governor of the province. During the ascendancy of the Whigs under William III, Smith, Blake, and Archdale, all dissenters, had governed the colony. They had each and all, it is true, recognized the Church of England as the established church of the province, and Blake had been most liberal in his conduct to it. Still the colony had been, until Moore's interregnum administration, under the government of dissenters, who, it was claimed, constituted a majority of the people. But now the Palatine and the Governor were both High Churchmen.

The party of Blake, Morton, and Axtell, led, at this time, by Joseph Boone and John Ash, claimed to be no less than two-thirds of the colonists. But, as it has been observed, this we may doubt, as it is difficult to understand how a minority could force measures on a reluctant majority, even if we suppose, which is in itself unlikely, that the minority was completely united in itself.<sup>1</sup> The mistake was in counting as dissenters all who were not

<sup>1</sup> Doyle's *English Colonies in Am.*, 370.



churchmen. Thus, for instance, as we have before said, the French Huguenots were not dissenters: nor were the German Lutherans, who were becoming quite numerous in the colony. The sympathies of both of these classes were rather with the churchmen than with the dissenters. This was recognized in the opposition of the latter to extending the elective franchise to any who were not native-born Englishmen; and was proved by the readiness with which the clergymen of both these denominations accepted Episcopal rule and connected themselves with the Church of England.

As the chief obstacle in the way of carrying out in England the principle of uniformity in Church as well as in State, which had been Clarendon's policy upon the restoration of Charles II. had been the Independents and Presbyterians, whose strongholds were the corporations of the boroughs, in many of which the corporations actually returned the borough members, and in all of which they exercised a powerful influence, it became necessary to drive the dissenters from municipal posts, in order to weaken, if not to destroy, that party in the House of Commons.<sup>1</sup> To accomplish this, the famous Test and Corporation acts, passed by a Cavalier Parliament, required, as a condition of entering upon any office, — civil, military, or municipal, — the reception of the sacraments, according to the forms of the Church of England, a renunciation of the League and Covenant, and a declaration that it was unlawful, on any grounds, to take up arms against the King. William's attempt partially to admit dissenters to civil equality by a repeal of these acts had failed; but many dissenters had evaded their provisions by occasionally partaking of the communion as required, though they subsequently attended their own chapels. It was against this "occa-

<sup>1</sup> Green's *Hist. English People*, vol. III, 390.





sional conformity" that the Tories, now once more in power, introduced a test, which, by excluding the non-conformists, would have given them the command of the boroughs. This test first received the support of Marlborough, then all-powerful under Queen Anne: but the Whigs, who had ruled under William, still held the House of Lords, and rejected it as often as it was sent up to them.<sup>1</sup>

All the world, says Oldmixon,<sup>2</sup> knew how zealous Lord Granville had been for promoting the bill against "occasional conformists" in England, that he had openly shown his aversion to dissenters, and had been removed from a high position because of the bitterness of his speeches in regard to them. However this may have been, there can be no doubt that Lord Granville warmly espoused the cause of the High Churchmen in Carolina, and that it was through his influence that an attempt was made in this province similar to that against the "occasional conformity" in England. In England, however, it was only a part of the representation in the Commons—the burgesses of the cities and boroughs—that could be reached by the Test and Corporation acts. The knights of shires, the other component part of the Commons, could not be; but in Carolina the whole representation in the Commons House was subject to statutes passed in the General Assembly here, and approved by the Proprietors in England. Lord Granville, the Palatine, determined that, though the Tories at home could not exclude all who were not churchmen from the Commons in Parliament, he at least would make the attempt to do so in Carolina. In this attempt he had the zealous co-operation of the noble, if somewhat bigoted, Governor,

<sup>1</sup> Green's *Hist. English People*, vol. IV, 87.

<sup>2</sup> *British Empire in Am.*, vol. I, 474.



Sir Nathaniel Johnson; of the astute, if unprincipled. Chief Justice Nicholas Trott; and also of Colonel William Rhett, who, though of choleric and violent disposition, appears to have been sincere and earnest in his devotion to his church.

The Assembly, which the Colleton dissenters charged had been so irregularly and scandalously elected, had chosen Mr. Job Howes as Speaker. They had been prorogued to the 10th of May, and the time of their reassembly had not yet arrived. They were now called by the Governor in extra session, and on the 4th of May, 1704. Colonel Risbee asked leave to introduce a bill. It was read. Its title was: "*For the more effectual preservation of the government of this province by requiring all persons that shall hereafter be chosen members of the Commons House of Assembly, and sit in the same to take the oaths and subscribe the declaration appointed by the act and to conform to the religious worship in this province according to the Church of England, and to receive the sacrament of the Lord's Supper according to the rites of the said church.*"

Some members immediately called for the reading of the "grand charter." But the opposition was overcome. The bill was passed through its first reading with amendments, and Colonel Risbee was ordered to present it to the Governor and Council. They passed it, and returned it to the House. The next day it received its second and third readings, and was sent as a law for ratification to the Governor and Council. It bears date the 6th of May, and was signed by Sir Nathaniel Johnson and Colonel Thomas Broughton, Colonel James Moore, Robert Gibbes, Esq., Henry Noble, Esq., and Nicholas Trott, Esq., of the Council. It was passed in the Assembly by a majority of one, twelve voting for it and eleven against



it; among the latter were some churchmen. Seven members were absent.<sup>1</sup>

The preamble to the act declared, as the reason for its passage, that while nothing was more contrary to the profession of the Christian religion, and particularly to the doctrine of the Church of England, than persecution for conscience only, yet nevertheless it had been found by experience that the admitting of persons of different persuasions and interests in matters of religion to sit and vote in the Commons House of Assembly had often caused great contentions and animosities in the province, had very much obstructed the public business, and that by the laws and usage of England, all members of Parliament were obliged to conform to the Church of England by receiving the sacrament of the Lord's Supper according to the rites of the said church. It was doubtless true that the Colleton dissenting members of the House, in order to enforce the passage of an election law to exclude the Huguenots from voting, had obstructed the business of the House at a time when the safety of the province from invasion demanded the united action of every patriotic citizen. And this was done, it was also true, merely to secure their own political ascendancy. The provocation to the churchmen in Carolina was therefore great, even had they not the additional incentive of Granville's wishes to accomplish the purpose as a part of the politics in England. But it was not true that members of the British Parliament were obliged to conform to the Church of England by receiving the sacrament. And it is extraordinary that such a statement should have been made with the sanction of Sir Nathaniel Johnson, who himself had been a member of Parliament.

There was no law nor custom requiring a member of

<sup>1</sup> *Hist. Sketches of So. Ca.*, 218.





Parliament to do so. The Test and Corporation acts affected the membership of that body, but partially and by indirection. Of the two constituent parts of the House, the knights of the shire and the borough members, they could reach only one. The knights of shires, *i.e.* the county members, who were, however, usually churchmen, were not affected by them. They operated only upon the members of corporations as electors of burgesses. But their effect, even as to these, had been, in a great measure, avoided by the custom of "occasional conformity." There was no precedent at home, therefore, for the stringent measures by which the churchmen in Carolina were outstripping the Tories in England, in their efforts to exclude the dissenters from participation in the government.

Based upon this false premise, the act required that every person thereafter chosen a member of the Commons House should receive the sacrament of the Lord's Supper according to rites and usage of the Church of England in some public church upon some Lord's Day, commonly called Sunday; and should deliver to the Speaker a certificate of his having done so under the hand of a minister, or make proof by two credible witnesses. Apart from other hardships and injustice of this requirement was this, that there was but one church as yet outside of Charles Town, *i.e.* Pompton Hill chapel on Cooper River, so that to comply with the act — if assented to — would require every member elected to journey to the town or to Pompton Hill on some Lord's Day for the purpose. But there was a difficulty in the way of this act on the part of some, at least, of its supporters. Some of them, though professing to be members of the church, were not themselves communicants. Indeed, it was charged that some of them were blasphemers and hard livers. Mr. Marston, the minister of St. Philip's Church, who became involved in the



controversy, declared that many of the members of the Commons House that passed the act were constant absentees from the church and that eleven of them were never known to have received the sacrament of the Lord's Supper, though for five years past he had administered it in his church at least six times a year. This charge is countenanced by a provision which would cover just such cases. It was provided that, as some persons might scruple to receive the sacrament by reason of their fears that they were not rightly fitted and prepared to partake of that ordinance, who did nevertheless, out of real choice, conform to the Church of England and sincerely profess the same, such persons upon making oath to the fact, and that they usually frequented the church for public worship, and did not avoid the communion from any dislike of the manner or form of its administration as used by the Church of England and prescribed in the Book of Common Prayer, and making profession of conformity as required by the act, were declared sufficiently qualified to be members of the House.

As might be supposed, the bill met with vehement opposition. In the House Thomas Jones, John Beamer, Laur Deinner, William Edwards, and John Stanyarne entered under leave their dissent in these words, "that King Charles II having granted a liberty in his charter to the people for the settling of this colony, we think the above bill too great an infringement on the liege subjects of his Majesty"; Charles Colleton, "that the said bill is not proper for the inhabitants of the colony at this time"; James Cochran because "contrary to the liberties of the inhabitants of the province, which liberty hath encouraged many persons to transport themselves into the province." In the Council Landgrave Joseph Morton was denied leave to enter his protest against the act. There being



no further use for the Assembly, it was prorogued till October.<sup>1</sup>

Colleton's objection was the correct one. The act was not a proper one for the colony. But an appeal to the Royal charter would not have helped the opponents of the measure. That instrument did not guarantee the right of participation in the government to persons of all religious denominations. It provided that no person should be molested or called in question for any differences of opinion or practice in matters of religious concernment, who did not actually disturb the peace; but that did not give the right to dissenters, any more than to Roman Catholics, to take part in the government. The religious liberty and freedom which the charter guaranteed related only to the exercise of religion without molestation; and even in that it was restricted to such indulgences and dispensations as the Proprietors should think fit to grant. Nor could appeal be made to the Fundamental Constitutions, for the Church of England was declared by those laws to be "the only true and orthodox and the national religion of all the King's dominions."

But all the churchmen in the colony did not approve the measure. It met with opposition from a quarter little to have been expected, and became involved in other issues.

Upon the death of Mr. Marshall, in 1699, the Governor and Council had written to the Lord Bishop of London telling him of Mr. Marshall's death; of the great virtues he had exhibited during his short life in the colony; how that by his easy, and, as it were, natural use of the ceremonies of the church, he had taken away all occasion of

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 218, 219, quoting *Journals*.

The term "prorogue" is used in cases in which the Assembly is adjourned by the Governor from time to time. The term "adjourn" is used in cases in which the Assembly ends its session by its own motion.





scandal at them, and by his prudent and obliging way of living and manner of practice he had gained the esteem of all persons: and praying that his Lordship would send them such another. The same encouragement and provision as was made for Mr. Marshall, they said, was settled by act of Assembly upon his successor, a minister of the Church of England: viz. £150 yearly, a good brick house and plantation, two negro slaves, and a stock of cattle, besides christening, marriage, and burial fees.<sup>1</sup>

Before learning of the death of Mr. Marshall, the Proprietors had secured the services of the Rev. Edward Marston, M.A., for Pompion Hill chapel in the neighborhood of Sir Nathaniel Johnson, the settlements on Goose Creek and Cooper River.<sup>2</sup> Mr. Marston had been recommended not only by the Bishop of London, but by the Archbishop of Canterbury. Upon his arrival, in 1700, he was put in charge of St. Philip's Church in the place of Mr. Marshall. And the Rev. Samuel Thomas, the first missionary sent out by the Society for the Propagation of the Gospel, designed for a mission to the Yamassee Indians, coming out soon after, but the disturbed condition of the country in consequence of the Spanish invasion and St. Augustine expedition rendering service among the Indians impracticable, Governor Johnson had substituted him to the care of the people upon the three branches of Cooper River in the place of Mr. Marston; his principal place of residence to be at Goose Creek.

Unfortunately, Mr. Marston was of a very different character from that ascribed to Mr. Marshall, whom he

<sup>1</sup> Dalcho's *Ch. Hist.*, 37.

<sup>2</sup> This was the first Episcopal or English Church in the province outside of Charles Town. It was erected by the parishioners, with the liberal assistance of Sir Nathaniel Johnson, on the east branch of Cooper River. It was built of cypress, thirty feet square, upon a small hill usually called Pompion Hill.



succeeded. Though recommended by the Archbishop of Canterbury as well as by the Bishop of London, he had been a notorious Jacobite ere his coming to the province, and was for a time imprisoned in England for railing against the government.<sup>1</sup> He brought over with him the same violent passions and contentious disposition. A Jacobite in England in the reign of William, he turned with equal rancor against the churchmen in Carolina under Queen Anne. He threw himself into violent opposition to the act which now so excited all parties, and vehemently assailed from his pulpit not only the measure itself, but all who supported it. He was thereupon ordered by the House to lay the minutes of two of his sermons before its bar. This he refused to do, and the House addressed the Governor upon the subject before its adjournment. This Mr. Marston still more resented, and in a sermon preached the Sunday before the Assembly reconvened in October, he again attacked the House, charging it with calumniating and abusing him. Again the next Sunday, that is, the Sunday after the meeting of the Assembly, he boldly declared that though he had been ordered to lay his sermons before the House, he did not think himself obliged to do so, and asserted that he was in no wise obliged to the government for the bountiful revenues they had allowed him; that he did not think himself inferior to them or obliged to give an account of his actions to them; that though they gave him a maintenance, he was their superior, his authority being from Christ. He compared the members of the House to Korah and his rebellious companions.

Mr. Marston had meddled in another matter with which he had no concern. The Colleton members, who had withdrawn from the House the year before, had sent Mr. Ash to Europe to lay their grievances before the Lords

<sup>1</sup> *Hist. Am. Episcopal Ch.* (Bishop Perry), vol. I, 376.



Proprietors, and, if necessary, before the Royal Government itself. Apprehending that if the purpose of his voyage was known he might be in some way detained, Mr. Ash had hurried to Virginia, to sail thence instead of embarking for England from Charles Town, and there Landgrave Smith had addressed him letters reflecting very sharply upon the conduct of the House. Just before the adjournment of the Assembly, Smith wrote to Ash, June 30, 1703, the House had passed "a noble vote" interpreting the "Regulating Bill," that is, the law regulating elections so that foreigners, as well as natural-born subjects, should have the liberty to vote if they were worth £10 and had been in the province three months; "and honest Ralph," he said, "who loves slavery better than liberty moved your Honorable assembly to bring in a bill to naturalize all foreigners next spring . . . so that unless we have a Regulating Bill and some other acts passed in England for the good government of this country I cannot see how we can pretend to live happy here." Again, on the 25th of July, Smith wrote to Mr. Ash: "Enclosed you will find another copy of the famous vote of our Assembly for fear the same should not come to your hands; also a copy of their Act against Blasphemy and Profaneness which they always made a great noise about, although they are some of the most profanest in the country themselves; yet you know great pretenders to religion and honesty for a colour for their Roguery."<sup>1</sup>

These letters fell into the hands of Governor Johnson. Oldmixon says they were betrayed into his hands upon the death of Mr. Ash, which occurred in England soon after his arrival there. Governor Johnson, on the reconvening of the Assembly on the 5th of October, laid the letters before the House, that they might, he said, take such

<sup>1</sup> Dalcho's *Ch. Hist.*, 56, quoting MSS. *Journals*.





measures as should make Mr. Smith sensible of his fault and might deter all others for the future from committing like offences against the government. Landgrave Smith attended the House on the 9th and acknowledged the letters, whereupon he was taken into the custody of the Messenger.

This was certainly a most arbitrary and unwarranted proceeding, appertaining more to the military character of Sir Nathaniel than illustrating his prudence and justice as a civil administrator. Mr. Smith had certainly the right to express his opinion of the proceedings of the House in a private letter to his personal correspondent, even though that person was on a journey to complain of the conduct of the government to the authorities in England. He had committed no contempt of the House in doing so; the Governor's conduct was not above the criticism of the humblest citizen. But all this was none of Mr. Marston's business as a minister of the church. He had no more right to arraign the government from his pulpit than the House had to arrest Landgrave Smith for opinions expressed in private letters. But, burning to be prominent in all affairs, he again preached at the House, denouncing it as having proceeded illegally and arbitrarily against Mr. Smith; and ostentatiously visited him while in the custody of the officer. Upon this the House, which appears on the other hand to have been ridiculously sensitive as to its dignity and unnecessarily disposed to assert it, summoned Mr. Marston to its bar. The reverend gentleman appeared, but continuing in his controversy, the Governor, Council, and House deprived him of his salary, and in doing so, thus addressed him:—

“Now as to your Office and Ecclesiastical function we do not pretend to meddle with it, although by your Carriage of late you have deserved to be taken notice of,



but we leave those matters to your Ecclesiastical Governors and Ordinary to proceed against you for this House doth not pretend to meddle with your Function. But for your imprudent carriage and behaviour above recited it's the Resolution of this House, and it's ordered that whereas £150 is to be paid yearly to the Minister or Incumbent of Charles Town by the Public Receiver that you be deprived of the Salary during the pleasure of this House, and that you continue so deprived until such time as by an Order of this House upon Amendment better Behaviour and Submission you be restored to the same."

Mr. Marston refused to hear this censure and withdrew. The House from regard for his profession, as it declared, "did not order him into the custody of the messenger," but directed him to be served with a copy of the censure.<sup>1</sup>

When the Assembly met in October, none of those who had protested against the disqualifying act appeared at first in their seats. Much time was consumed in settling Mr. Marston's case. Notwithstanding Mr. Marston's conduct, the churchmen proceeded to provide for the establishment of religious worship in the province according to the Church of England. This much was undoubtedly contemplated by the charter and provided for in the Fundamental Constitutions, which the dissenters were now representing to the Proprietors to be the accepted law of the land. But in the measures proposed a clause was inserted, directed, as Governor Johnson subsequently admitted, to meet the case of Mr. Marston, "the pest of the country" as he termed him. Mr. Marston was undoubtedly the immediate cause of the provision, but Oldmixon, who so vehemently assails the act as uncanonical and unjust, in his account of the West Indies has given the strongest

<sup>1</sup> Daleho's *Ch. Hist.*, 57, 58.



evidence of the necessity of some provision for the supervision of clergymen coming out to the colonies.

Mr. Ralph Izard — “honest Ralph” of Landgrave Smith’s letter — introduced the bill. It was entitled “*An act for the establishment of religious worship in this Province according to the Church of England, and for the erecting churches for the public worship of God, and also for the maintenance of ministers and the building of convenient Houses for them.*”<sup>1</sup> The act prescribed that the Book of Common Prayer and administration of the sacrament, and other rites and ceremonies of the church, the Psalter or Psalms of David, and Morning and Evening Prayer therein contained, should be read by every minister or reader settled and established by law, and that all congregations and places of worship, for the maintenance of whose ministers any certain income or revenue was raised or paid by law, should be deemed settled and established churches.

Charles Town and the neck between Cooper and Ashley Rivers were made into a distinct parish by the name of the parish of St. Philip’s in Charles Town. The church in Charles Town (*i.e.* that which stood where St. Michael’s now stands), and the ground thereunto adjoining enclosed and used for a cemetery or churchyard, were declared to be the parish church and churchyard of St. Philip’s, Charles Town.

Berkeley County was divided into six parishes: “one in Charles Town, St. Philip’s; one upon the southeast of Wando River: one upon that neck of land lying on the northwest of Wando and southeast of Cooper River; one on the western branch of Cooper River; one upon Goose Creek; and one upon Ashley River.” Six churches were to be built, one in each of the five parishes outside of Charles Town, and one on the south side of Stono River

<sup>1</sup> *Statutes of So. Car.*, vol. II, 236; *Dalcho’s Ch. Hist.*, 58.





in Colleton County, which territory was not, however, made into a parish. Lands were to be taken up from the Lords Proprietors, or purchased for glebes and rectories. The expense of building these churches, parsonage houses, etc., were to be defrayed out of any subscriptions made for that purpose; the balance to be paid out of the public treasury. Supervisors for building these churches and parsonages were appointed, with power to press bricks, or lime, and other material, and to compel carpenters, joiners, workmen, and laborers to work under the same provisions and penalties as were prescribed for building the entrenchments and fortifications of the town. The supervisors had also power to press slaves for work upon these buildings. In addition to the glebe, parsonage houses, negroes, etc., which should appertain to each, the incumbent of each parish church was to draw a salary of £50 per annum from the public treasury. It was provided that the ministers of the several parishes should be chosen by the major part of the inhabitants of the parish that were of the religion of the Church of England and conformed to the same, and were either freeholders within the parish or contributed to the public taxes. Then followed the clause providing for the lay commission, with power to remove or suspend incumbents from their benefices.

As we have before intimated, though probably the approximate cause, Mr. Marston's conduct was not the sole inducement to the enactment of the provision. The position of the clergy of the Church of England in the colonies was peculiar. The jurisdiction of the Bishop of London was generally acceded to in the American colonies, but not universally: no provision had been made by the civil government or by the Church of England for the Episcopal supervision of the clergy who came out to America.



In the early settlement of Virginia, Bishop King, the then Bishop of London, who had taken great interest in that colony, had in consequence been chosen a member of the King's Council for that province. In this position it was but natural that in all ecclesiastical matters he should be consulted, and there grew out of his personal interest the recognition, to some extent, of his spiritual jurisdiction.<sup>1</sup> Beginning probably in this way, Episcopal jurisdiction of the colonies was generally assumed by Bishop King's successors, the Bishops of London. Other reasons were also assigned for its support. Here it was said to be because, as London was the commercial city of England, by a fiction the Bishop of London's jurisdiction went with London commerce. However originating, the Bishop of London's jurisdiction, or at least the right to his especial care and oversight, had hitherto been accepted and acted upon in the colony. Governor Blake and his Council, as we have just seen, acting upon it, had, upon the death of Mr. Marshall, immediately applied to Bishop Compton, asking him to send out a successor. But this jurisdiction was elsewhere questioned. It was disputed in Maryland,<sup>2</sup> and was denied in the West Indies. In Jamaica it was barred by the laws of the colony, and the Governor, as the supreme head of the provincial church, not only inducted

<sup>1</sup> *Hist. Am. Ch.* (Bishop Perry), vol. I, 74.

Anderson, in his *History of the Colonial Church*, gives another version. He attributes the origin of the Bishop of London's jurisdiction to a letter from Archbishop Laud to the merchants at Delph, and instructions to Mr. Beaumont to certify to the Bishop of London any disobedience of the King's ordinance enforcing the canons and liturgy of the church. (Vol. I, 410). He admits, however, that he cannot find any other measure by which Virginia was formally constituted a part of the diocese of London than Bishop King's connection with the King's Council. *Ibid.*, 261.

<sup>2</sup> *Maryland, Am. Commonwealth* (Brown), 192; Anderson's *Hist. of the Colonial Ch.*, vol. III, 179.



clergymen into their benefices, but was vested with power also of suspending a clergyman for lewd and disorderly life upon the application of his parishioners.<sup>1</sup>

Fortunately for the church in South Carolina, as it happened, blessed with the aid of the Society for the Propagation of the Gospel, in the benefits of which she was the first of all the colonies to participate, and by the care of her Governor and Council, her clergymen generally were men of character fully worthy of their high calling. Governor Craven in 1712, recommending provision for their remuneration, could truthfully say: "We may boast as learned a clergy as any in America, men unblemished in their lives and principles, who live up to the religion they profess; some of them have been long amongst us to whom a particular regard is due; always indefatigable in their functions, visiting the sick, fearless of distempers and never neglecting their duty," etc.<sup>2</sup> However contentious and contumacious was Mr. Marston, not even in his case, it must be recorded, was there breath of suspicion of immoral conduct. But, unhappily, such had not been the character always of the clergymen of the church, who had been sent out to America. They had been often the outcasts of the church at home. Oldmixon himself, in his history of Jamaica, has given, on the authority of other writers and on his own testimony, a most deplorable account of the clergy of that island. They were of vile character, and with few exceptions the most finished of all debauchees. They troubled themselves little about the church, the doors of which were seldom opened.<sup>3</sup> The same complaint, he says, was general over all the colonies. In Maryland "the Reprobate Coode," a blatant blasphemer

<sup>1</sup> *Hist. West Indies* (Bryan Edwards), vol. I, 203.

<sup>2</sup> *Public Records So. Car.*

<sup>3</sup> *British Empire in Am.*, vol. II, 374-418.





and drunkard, was intriguing and disturbing the peace of the Commonwealth, and the good Dr. Bray, the commissary of the Bishop of London, with his disputed title, found no easy task in his efforts at the reformation of others.<sup>1</sup> Though the jurisdiction of the Bishop of London was not questioned in Virginia, even there the authority of his Commissary Blair was found a very insufficient substitute for the superintendence of a faithful bishop.<sup>2</sup> Men representing themselves as clergymen of the church presented themselves without letters, and there was no means of ascertaining whether they really had orders. The litigious and erratic Marston was followed by a fugitive from Maryland, Richard Marsden by name, who claimed to be a clergyman, and accounted for the absence of his letters by the improbable story that they had been blown overboard by the wind at sea, when he was drying them after a storm.<sup>3</sup>

It was in this condition of the Church of England in America, that the Governor and Assembly in South Carolina found themselves, while endeavoring to establish the church in the province, in actual contention with a clergyman for whose support they were providing, while he was in open defiance of their authority. It is not improbable that had there been no trouble with Mr. Marston, the provision for removing incumbents, when necessary, would yet have been made, as similar provisions then existed in the West Indies. Mr. Marston's conduct was, nevertheless, the immediate inducement to its adoption. The rea-

<sup>1</sup> *Maryland, Am. Commonwealth*, 191.

<sup>2</sup> *Virginia, Am. Commonwealth* (Cooke), 332; *Old Churches, etc., of Virginia* (Bishop Meade), 16.

<sup>3</sup> *Hist. Am. Episcopal Church* (Bishop Perry), vol. I, 377.

When an English nobleman, it is said, asked a bishop why he conferred Holy Orders on such an array of blackheads as some of those sent out to our colonies, he replied, "Because it was better to have the ground ploughed by asses than to leave it a waste full of thistles."



son for the provision is thus set out in the preamble in the act.<sup>1</sup> It recites:—

“And whereas it may often happen that a rector or minister may be chosen pursuant to the Act . . . of whose qualifications or dispositions the inhabitants may have but small acquaintance or may be otherwise mistaken in the person, who may act contrary to what was expected of him at his election so that it is highly necessary to have a power lodged in some persons for the removing of all or any of the several rectors or ministers of the several parishes or to translate them from one parish to another as to them shall seem convenient, otherwise in case any immoral or imprudent clergyman should happen to be appointed rector or minister of any parish the people would be without any remedy against him, or in case there should arise such incurable prejudices, dissensions, animosities and implacable offences between such rector or minister and his people, that all reverence for and benefit by his ministry is utterly to be despaired of (although he is not guilty of more grosser or scandalous crimes) yet it may be very convenient to have him removed from being rector or minister of that parish to which he did belong, and where such dissensions and offences are arisen, otherwise great evils and inconveniences may ensue upon the same.”

With this recital of the occasion for the enactment, the clause provides:—

“ . . . That the commissioners hereafter named or the major part of them shall have power where they think it convenient (upon the request and at the desire of any nine parishioners that do conforme to and are of the religion of the Church of England and are persons of credit and reputation, together with the request of the major part of the vestry of the parish, signified under their hand and requesting the removal of their rector or minister of such parish) to cite such minister before them and to hear the complaints against such minister or rector allowing him reasonable time to make his defence and upon hearing of the same if the said commission or the major part of them shall think it convenient to remove such rector or minister, they are hereby authorized and empowered to do the same.”<sup>2</sup>

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 240.

<sup>2</sup> An attempt was made to establish a similar Board of Lay Commissioners in Maryland. An act for the purpose passed both Houses of the



Upon the passage of this act it was moved "that any member may have liberty to enter his dissent against a vote or proceedings made in this House." But, on the contrary, it was "Resolved that no member shall have leave to enter his dissent." It has been objected that the act was in the nature of an *ex post facto* law.<sup>1</sup> But no action was taken against Mr. Marston, under its provisions, for what had occurred previously to its passage. On the contrary, Dalcho says, it does not appear that these proceedings of the General Assembly had much influence upon Mr. Marston's conduct. He was again arraigned before the House of Commons, February 5, 1704-1705, for having spoken falsely to the prejudice of Major Charles Colleton, a member, and it was resolved that he had been guilty of high breach of privilege, and that his assertions were false and malicious. A motion was made, February 8, to bring in a bill to displace him "for his imprudent behaviour in general and his reflection on the honour and justice of this House since the last censure by the General Assembly." This motion was, however, lost, but another vote of censure passed. It was not until the next year, 1705, that Mr. Marston was arraigned before the Board of Lay Commissioners and deprived of his living.<sup>2</sup>

The act imposing a religious test was to operate on the members of the Assembly to be chosen; fortunately, there was no such objectionable feature in another important measure of this time upon the same subject, *i.e.* "An act to regulate the manner of elections."<sup>3</sup> Until 1696 there had been no statutory provision regulating elections, except

Provincial Assembly in 1708. Anderson's *Hist. of the Colonial Ch.*, vol. III, 180.

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 220.

<sup>2</sup> Dalcho's *Ch. Hist.*, 62, 63.

<sup>3</sup> *Statutes of So. Ca.*, vol. II, 249.





those contained in the Fundamental Constitutions, which had never been in operation. During Ludwell's administration, an act upon the subject had been passed; but it had been disallowed by the Proprietors.<sup>1</sup> Elections had been hitherto conducted under the directions of the precepts of the Governor, in pursuance of the instructions of the Proprietors. Thus we have seen Sothell admitting the Huguenots to vote, and Archdale excluding them. Elections had, however, as has appeared, always been conducted by ballot.<sup>2</sup> The act of 1726 has not been preserved. We only know of it from the repealing clause of an act of 1704, which is the first upon the subject which has come down to us.<sup>3</sup> This was entitled "*An act to regulate the elections of members of the Assembly.*" This act, which, it will be observed, was one to *regulate* elections of members of the Assembly, recognizes the use of the ballot as the manner of elections existing at the time of its passage. It does not prescribe the use of ballots anew, but provides for their preservation from one day to another, during the continuance of the election. In the clause directing the sheriff to publish his precept, or writ, it is true, it is provided "and all voices or votes given before such publications are hereby declared void and of no force," and in that requiring the elections to be held in public, it is said "that no person whatsoever, hereby qualified to vote, shall, being absent from the place of election, give his voice or vote by proxy, letter or any other way whatsoever, but shall be present in person, or his voice to be taken for none."

It is manifest that voice and written vote, *i.e.* ballot, are used here synonymously; for one could not send his natural voice by proxy or letter, nor could his voice be taken

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), Appendix, 487.

<sup>2</sup> *Ante*, p. 198 *et seq.*

<sup>3</sup> *Statutes of So. Ca.*, vol. II, 130, 249.



for any if absent. That the term "voice" is used in this sense is made still more clear from the clause providing that the elections shall continue for two days, which prescribes that the Sheriff at "every adjournment shall seal up in a paper bag or box all the votes given in that day in the presence of and with the seals of two or more of each contending party and the same shall break open at the next meeting," etc. The phonograph had not been conceived at that time, and the paper bag or box would scarcely have retained during the night and emitted the voices when the seals were broken open the next morning.

The qualifications prescribed for a voter were that the person must be twenty-one years of age and own fifty acres of land, or the value of £10 in money, goods, chattels, or rents, and have resided in the precinct in which he offered to vote three months before the date of the writs of election, to which qualifications he was required to make oath. Elections were to continue for two days, and to be held in public. Carrying out the analogy to the House of Lords in England, no Proprietor or deputy of a Proprietor was allowed to vote. No alien born out of the allegiance of the Queen was qualified to be a member of the House.



## CHAPTER XIX

1704-1706

MR. ASH, who had been hurried off by the way of Virginia to avoid his being detained by the Governor, had arrived in England and applied at once to Lord Granville, the Palatine; but finding that his Lordship was entirely in the interest of the church party in Carolina, and despairing of obtaining from that source redress of the grievances of which he had come to complain, he drew up the representation and address of the Colleton members of the Assembly, from which so much has been quoted, and was superintending the printing of it, but died before it was completed.<sup>1</sup> The paper, though addressed to Lord Granville, was no doubt designed to reach higher authority than the Proprietors. Oldmixon admits that Mr. Ash may have represented things with too much partiality;<sup>2</sup> and Archdale says that he was not a person suitably qualified for his mission, not that he wanted wit, but temper.<sup>3</sup>

Upon Mr. Ash's death Mr. Joseph Boone was sent. Mr. Boone, upon his arrival in England, found that he had not left behind him in Carolina the excitement and passions engendered by the religious controversy which distracted the province. He had, indeed, but come to its source, and found it raging in England with greater violence

<sup>1</sup> *British Empire in Am.*, vol. I, 482.

<sup>2</sup> *Ibid.*, 483.

<sup>3</sup> *Carroll's Coll.*, vol. II, 112.



than at home. It so happened that contemporaneously with the passage of the church act in Carolina (November 4, 1704), of which he had come to complain, the Tory House of Commons in England had been making another vigorous effort to enact the "Occasional Conformity Bill." Parliament had met on October 29, and notwithstanding all the efforts of the ministry to induce the leading men of the High Church party to restrain their zeal till they might have an opportunity of gratifying it without embarrassing the public business, the measure was at once again introduced, and passed to a second reading. At this stage, well aware that it would be rejected by the House of Lords, upon its own merits, as it had been twice already, it was tacked to a tax bill, so that the Lords would be obliged to reject the tax bill as well as the Occasional Conformity bill, or to pass the one with the other; it being a fundamental principle that the Lords could not alter a money bill, but must adopt or reject it as it was sent to them. Connecting this church matter with a supply bill necessarily involved Marlborough's operations, and it would, it was said, give the French King almost as great an advantage as Marlborough had gained over him a few months before at Blenheim. On the other hand, it was wittily said that the supplies were offered as a portion annexed to the church as in a marriage, and they did not doubt but that the court would exert itself to secure its passage when it was accompanied with two millions as its price. The bill passed the Commons on the 5th of December after a long debate, and was sent to the House of Lords. But the House of Lords would not be intimidated: on the 14th of December the supply bill with its tack was rejected.<sup>1</sup>

This, the first Parliament of Queen Anne, was about to

<sup>1</sup> *Parl. Hist.*, vol. VI, 359-368.





expire by the limitation of the biennial act. A proclamation was accordingly issued on April 5, 1705, for dissolving it, and on the 23d another was published calling a new Parliament. It was during the excitement of the election for the new Commons that Mr. Boone arrived in England. Before we take leave of this Parliament, however, it is most interesting to observe that another subject of debate in Carolina had also been before that body. Among the bills which fell with the session, though not actually rejected, was one offered for the naturalization of some hundred Frenchmen, to which the Commons added a clause disabling the persons so naturalized from voting in elections of Parliament. This was done, though it was observed that these people in England gave in all elections their votes for those who were most zealous against France. The Commons, nevertheless, did not believe that they could be so impartial to the interests of their native country as to be trusted with a share in the government of England.<sup>1</sup>

The elections of the members of the House of Commons was conducted with the greatest zeal on both sides. The clergy took pains to infuse into all minds the great dangers to which the church was exposed. The universities were inflamed with the same idea, and took all possible means to spread it over the nation. The danger to the Church of England grew to be the watchword as in an army. Men were known as they answered it. Books were written and distributed with great industry to impress upon all people the apprehension that the church was to be given up, that the bishops were betraying it, and that the court would sell it to the dissenters. A memorial of the Church of England, written by some zealous churchman, was printed and spread abroad, setting forth

<sup>1</sup> *Parl. Hist.*, vol. VI, 337.



her melancholy situation and distress. The dissenters, on the other hand, who had formerly been much divided, were now entirely united, and joined with the Whigs everywhere.<sup>1</sup> It was in the midst of this excitement that Mr. Boone appeared upon the scene in the interests of the dissenters of South Carolina.

Mr. Boone was a merchant trading with London, and there he induced the principal merchants in the Carolina trade to join him in a second representation of the dissenters' case. He also applied to Lord Granville, the Palatine, to be heard by the Proprietors. But, as we have already seen, it was no easy matter to get a meeting of that body even in quiet times to transact the ordinary and necessary business of the colony. It was still more difficult to do so at this time of political turmoil, especially when the purpose of the meeting was to hear a protest against a measure which was warmly approved, if it had not been actually suggested, by the Palatine himself. It was seven weeks before he could succeed in having a meeting called.<sup>2</sup>

The Proprietors at this time were: John Lord Granville, Palatine; William Lord Craven; John Lord Carteret (then a minor); Maurice Ashley, representing his brother, the Earl of Shaftesbury; Sir John Colleton; Joseph Blake (a minor); Nicholas Trott of London, and John Archdale.<sup>3</sup>

When at last a meeting was obtained, Mr. Archdale, we are told, opposed the ratification of the bill against the dissenters with such solid reasons that it is amazing to find the Palatine so shortly answering them.<sup>4</sup> Mr. Archdale soon after wrote an account of the province, in which

<sup>1</sup> *Parl. Hist.*, vol. VI, 442.

<sup>2</sup> *British Empire in Am.*, vol. I, 486.

<sup>3</sup> *Carroll's Coll.*, vol. II, 115.

<sup>4</sup> *British Empire in Am.*, vol. I, 486.



he treats mainly of this controversy; but his style is so loose and rambling that it is difficult to extract from it the reasons, solid or otherwise, he urged upon the occasion.<sup>1</sup> But whatever they were, Lord Granville replied to him very curtly: "Sir, you are of one opinion, I am of another, and our lives may not be long enough to end the controversy. I am for the bill, and this is the party I will hear and countenance." Mr. Boone then asked that he might be heard by counsel. To this Lord Granville replied: "What business has counsel here? It is a prudential act in me, and I will do as I see fit. I see no harm at all in this bill and I am resolved to pass it."<sup>2</sup>

The acts were approved by Lord Granville for himself, and for the minor Lord John Carteret, Lord William Craven, and Sir John Colleton. Joseph Blake was a minor in Carolina. It is not known what part Maurice Ashley or Nicholas Trott of London took in the discussion; or even that they were present. The Proprietors, approving the acts, wrote to Sir Nathaniel Johnson: "Sir the great and pious work which you have gone through, with such unwearied and steady zeal, for the honor and worship of Almighty God, we have also finally perfected on our part; and our ratification of that act for erecting churches, &c together with duplicates of all other dispatches, we have forwarded to you" etc.<sup>3</sup>

The Tories in England had outwitted themselves and overstrained their power in their futile efforts to tack the measure against the "occasional conformity" of the dissenters upon the supply bill. Devoted to the church as were the people generally, they were at this time peculiarly jealous of the honor of the country, and zealous in

<sup>1</sup> Carroll's *Coll.*, vol. II, 114.

<sup>2</sup> *British Empire in Am.*, vol. I, 481.

<sup>3</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 170.





the support of the war. They resented the spirit which would have dimmed the lustre of Blenheim in order merely to maintain power. The odium of indifference to the glories of Marlborough and the army in Germany was too heavy a burden for the Tories to bear. The result of the election was a large majority in favor of the war, and a coalition between the moderate men of both parties. The High Church party had lost its power; but the people were still sensitive upon the subject of the safety of the church. The danger of the church was the subject of a great debate in both Houses of the new Parliament and of a proclamation by the Queen. It was resolved by the House of Lords that the church was in no danger, and so her Majesty proclaimed, but among the dissentients to the resolution was Dr. Compton, Bishop of London; and one of the dangers his Lordship declared was "the want of a law to prevent any person whatsoever from holding offices of trust and authority both in church and state who are not constantly of the communion of the church established by law."<sup>1</sup>

In this condition of public opinion in England, Mr. Boone, the representative of the dissenters, himself a rigid one, not content with the cause of his own people, assumed also the championship of the church in Carolina, and particularly of Mr. Murston, as against that of the Governor, Council, and Commons of South Carolina. Early in 1706, he presented a memorial in behalf of himself and many other inhabitants of the province of Carolina, and also of several merchants of London trading to Carolina, to the House of Lords, which was still the stronghold of the Whigs.<sup>2</sup> The memorial set forth:—

<sup>1</sup> *Parl. Hist.*, vol. VI, 479-507.

<sup>2</sup> Daleho's *Ch. Hist.*, 64; *Colonial Records of No. Ca.*, vol. I, 637.



“That when the Province of Carolina was granted to the Proprietors, for the better peopling of it, express provision was made in the charter for a toleration and indulgence of all christians in the free exercise of their religion: that in the Fundamental Constitutions agreed to be the form of government by the Proprietors, there was also express provision made, that no person should be disturbed for any speculative opinion in religion, and that no person should on account of religion be excluded from being a member of the General Assembly or from any other office in the civil administration. That the said charter being given soon after the happy restoration of King Charles II and reestablishment of the Church of England by the Act of Uniformity, many of the subjects of the Kingdom who were so unhappy as to have some scruples about conforming to the rites of the said Church, did transplant themselves and families into Carolina; by means whereof the greatest part of the inhabitants there, were Protestant Dissenters from the Church of England, and through the equality and freedom of the said Fundamental Constitutions, all the inhabitants of the colony lived in peace, and even the Ministers of the Church of England had support from the Protestant Dissenters, and the number of inhabitants and the trade of the colony daily increased to the great improvement of her Majesty's customs, and the manifest advantage of the merchants and manufacturers of the kingdom.

“But that in the year 1703 when a new Assembly was to be chosen, which by the constitution, is chosen once in two years, the election was managed with very great partiality and injustice, and all sorts of people, even aliens, Jews, servants common sailors and negroes were admitted to vote at elections; That in the said Assembly an act was passed to incapacitate every person from being a member of any General Assembly that should be chosen for the time to come, unless he had taken the Sacrament of the Lord's supper according to the rites of the Church of England; whereby all Protestant Dissenters are made incapable of being in the said Assembly: and yet by the same act all persons who shall take an Oath that they have not received the sacrament in any Dissenting Congregation for one year past, though they have not received it in the Church of England, are made capable of sitting in the said Assembly: That this act was passed in an illegal manner, by the Governor calling the Assembly to meet on the 25th of April, when it then stood prorogued to the 10th of May following: That it hath been intreated by the Lord's Proprietors in England who refused to hear what could be offered against it, and contrary to the petition of 170 of the chief inhabitants of the



Colony, and of several eminent merchants trading hither, though the Commons of the same Assembly quickly after passed another bill to repeal it, which the upper House rejected; and the Governor dissolved the House.

“That the Ecclesiastical government of the colony is under the Bishop of London: but the Governor and his adherents have at last done what the latter often threatened to do, totally abolished it: for the same Assembly have passed an act whereby twenty lay persons therein named are made a corporation for the exercise of several exorbitant powers to the great injury and oppression of the people in general and for the exercise of all ecclesiastical jurisdiction, with absolute power to deprive any Minister of the Church of England of his benefice, not only for immorality, but even for imprudence or incurable prejudices between such minister and his parish: and the only Minister of the church established in the Colony, Mr. Edward Marston, hath already been cited before their Board, which the inhabitants of the province take to be an high ecclesiastical commission-court destructive to the very being and essence of the church of England, and to be held in the utmost detestation and abhorrence by every man that is not an enemy to our constitution in Church and State.

“That the said grievances daily increasing your petitioner Joseph Boone is now sent by many principal inhabitants and traders of the Colony, to represent the languishing and dangerous situation of it to the Lords Proprietors; but his application to them has hitherto had no effect: That the ruin of the colony would be to the great disadvantage of the trade of the kingdom, to the apparent prejudice of her Majesty’s customs, and the great benefit of the French who watch all opportunities to improve their own settlements in those parts of America.”

None can be found at this day to approve the sacramental test proposed in Carolina for the qualification of electors, or the attempted prohibition of occasional conformity in England. But this memorial is certainly a curious document to have been presented by a Puritan, a Roundhead, and follower of the Blakes, in behalf of those who had left England because of the Stuarts and the reestablishment of the church there. If Mr. Boone and those whom he represented could truthfully invoke “the happy res-



toration of King Charles II." and express their satisfaction "at the reëstablishment of the Church," why had they left England because of "their scruples about conforming to its rites"? Did they really rejoice at the overthrow of the Commonwealth and the restoration of the Rôyal family? Could they candidly appeal to the equality and freedom of the Fundamental Constitutions, which explicitly established the church? It was not true that the charter prescribed a toleration and indulgence of all Christians. What it did, as already pointed out, was to give authority to the Proprietors to grant such indulgences and dispensations as in their judgment were fit and reasonable. To such persons as the Proprietors should thus indulge, leave was given freely and quietly to enjoy their consciences in matters of religion, "they behaving themselves peacefully and not using their liberty to licentiousness or to the disturbance of others."<sup>1</sup> But this indulgence which the Proprietors were authorized to allow did not by any means necessarily carry with it the right to vote at elections or participate in the government. The elective franchise was not then, nor indeed is it to-day, regarded in England as an inherent right of citizenship, necessarily accompanying liberty of conscience in religious matters.

But still more singular is it that Mr. Boone and his co-petitioners—dissenters all—should have assumed the defence of the church as well as the carriage of their own burdens of discontent, and have undertaken to maintain the ecclesiastical jurisdiction of the Bishop of London over the colonies in America, and to resent the incorporation of the Lay Board and its powers. This last, indeed, is the most remarkable of all the strange features of the paper, considering its source. Mr. Boone and his people

<sup>1</sup> *Ante*, Chap. III.





in Carolina were Congregationalists, or Independents, the very essence of whose doctrine was the repudiation "of the authority of pope, prelate, presbytery, prince, or Parliament," and antagonism to the Episcopal authority of the Church of England. Surely, it might have been supposed that such religionists would have hailed the assertion of the authority of the laity of the Church of England in Carolina to free themselves from unworthy or unfit clergymen as a vindication to that extent of their own church polity,—from whence, indeed, it was doubtless derived. But, on the contrary, we find this document resenting the interference of the laity with Episcopal authority, and declaring that the inhabitants of the province, including, of course, the Independents themselves, take this board "to be an high ecclesiastical commission-court destructive to the very being and essence of the church of England, and to be held in the utmost detestation and abhorrence by every man, that is not an enemy to our constitution in Church and State."

The insincerity of the memorialists is obvious. It was quite on a par with that of the churchmen, who, while prescribing that no dissenter should vote who did not submit himself to conformity with the church, evidenced by communing at its altars, provided a saving clause, exempting themselves from a compliance with their own requirements. In the one case, as in the other, religion was made the stalking-horse of political power.

But the Whig House of Lords, to which Mr. Boone now appealed, self-righteously indignant at the attempt of the churchmen in Carolina to follow the example of the Tories in England to weaken their influence by excluding nonconformists from the voting power, overlooked the incongruity of the petitioners and their petition, and hastened at the close of the session, which the



establishment of the union with Scotland now rendered necessary, to espouse their cause. On the 12th of March, 1706, their Lordships voted an address to the Queen upon the subject. In this address it is declared:<sup>1</sup>—

First, that it was the opinion of the House that the act of the Assembly of Carolina, for the establishment of religious worship, “so far forth as the same relates to the establishment of a Commission for the displacing of Rectors or Ministers of the Churches there, is not warranted by the Charter granted to the Proprietors of that Colony, as being not consonant to Reason, repugnant to the Laws of this Realm, and destructive to the constitution of the Church of England.”

Secondly, that it was the opinion of the House that the act requiring all persons chosen members of the Commons House of Assembly to conform to the religious worship of the province, and to receive the sacrament of the Lord's Supper according to the rites of the Church of England “is founded upon falsity in matter of fact, is repugnant to the Laws of England, contrary to the Charter granted by the Proprietors of that Colony, is an encouragement to Atheism and Irreligion, destructive to trade, and tends to the depopulating and ruining of the Province.”

Whereupon their Lordships prayed her Majesty to deliver the province from the arbitrary oppressions under which it now lies; and to order the author to be prosecuted according to law. They also represented to her Majesty how much the powers given by the Crown have been abused by some of her subjects: but justice required them, they said, to inform her Majesty that some of the Proprietors had refused to join in the ratification of these acts. They also informed her Majesty that other great injustices and oppressions were complained of which it was

<sup>1</sup> *Colonial Records of No. Ca.*, vol. I, 634; Dalcho's *Ch. Hist.*, 66.



not possible for the House, so near the conclusion of the session, to find time to examine, and therefore presumed to lay the petition itself before her; and could not doubt but that her Majesty, who had shown so great a concern and tenderness for all her subjects, would extend her compassion to her distressed people who had the misfortune to be at so great a distance from her Royal person, and not so immediately under her gentle administration.

The Queen thanked the House for laying these matters so plainly before her, expressed herself as very sensible of the great consequence the plantations were to England, and promised that she would do all in her power to relieve her subjects in Carolina and protect their rights.

On the 3d of April Sir Charles Hedges, one of the Secretaries of State, a favorite of the Queen, whom the Duchess of Marlborough was now pushing out of the way for her son-in-law Sunderland, wrote to the Board of Trade referring the address of the Lords to that body, and desiring its opinion as to the method proper to be taken for the relief of her Majesty's subjects. The board, which, as we have seen, was ever on the alert to find some cause for the forfeitures of colonial charters, readily undertook the business and referred the papers to the two law officers of the Crown, the Attorney General, Sir Edward Northey, and the Solicitor General, Sir Simon Harcourt, for their opinion.<sup>1</sup> These law officers, on the 17th of May, gave it as their opinion that the acts in question, not being consonant to reason, and being repugnant to the laws of England, were not warranted by the char-

<sup>1</sup> Lord Campbell, writing of the changes in the cabinet upon the result of the election of 1795, says: "Northey the Attorney General was considered quite unequal to the post even if there had been no objection to his politics. . . . Harcourt the Solicitor General was a man of great talents and of high honor." — *Lives of the Lord Chancellors*, vol. V, 166.





ter and were made without sufficient authority from the Crown, and therefore did not bind the inhabitants of the colony; that her Majesty might therefore lawfully declare those laws null and void and require the Proprietors and Assembly of the province to abrogate them. They were further of the opinion that the making of such a law was an abuse of the power granted the Proprietors and effected a forfeiture. They were of opinion that her Majesty might proceed by *scire facias* in chancery on the patents, or by *quo warranto* in the Queen's Bench, "if," they were careful to add, "the laws were approved and confirmed by the present proprietors which doth not fully appear to have been so by the said address." This, as we shall see, proved to be an embarrassing point. On the 10th of June her Majesty, in council, directed Mr. Attorney and Mr. Solicitor General to inform themselves more fully upon what was necessary for the effectual proceeding against the charter by *quo warranto*. On the 13th an order of council was made directing the Lords Proprietors to declare the objectionable acts null and void.

So far all had gone well with the petitioners, and the Board of Trade had reason to hope that the charters against which they had so long and so earnestly been contending would now be annulled. But just here two curious obstacles appeared to save the Proprietors' rights. The first was intimated by the law officers in the closing sentence of their opinion. It so happened that the acts had been nominally approved by but four of the Proprietors, of whom one, indeed, was a minor. These were Tories. Of the other Proprietors Archdale had protested against the laws. Shaftesbury was in ill health and in retirement, and neither his brother Maurice Ashley, who represented him, nor Blake, who was a minor, had had any part in the enactment of these measures. Were these innocent parties,



some of whom were Whigs, to be punished for the conduct of the Tory Lords Granville and Craven and Sir John Colleton? Were the minors Carteret and Blake and the invalid Shaftesbury to suffer for the conduct of others in which they had no part? But not only so: as the law officers, under the orders of her Majesty in council, looked into the matter more fully, they began to doubt whether they could deal with the only parties who were responsible for the objectionable measures; for these were peers of the realm, and though the Whig House of Lords had in the rush of business at the close of a session let the address to her Majesty pass, it might possibly not be safe to take them too seriously at their word, and to do a thing which might affect the privileges of their order.

Under the order of the 10th of June, the Attorney and Solicitor Generals reported to a Council held on the 26th that, though they had not sufficient material to carry on the prosecution to an end, they had sufficient to exhibit informations, and were preparing the same; but at the same time they suggested to the Council whether the filing such informations against a peer in Parliament might not be thought a breach of the privileges of the peerage. This view struck the Council, and her Majesty having taken it into consideration, the Council quickly changed their course and came to the conclusion that the House of Peers were the best judges of their own privileges: upon which her Majesty did not think fit to give any further directions, and the whole matter was dropped.<sup>1</sup>

Upon the passage of the Church act establishing the five new parishes, Governor Johnson and his Council had empowered Mr. Thomas, who was returning to England on private affairs, "to make choice of five such persons as he should think fit, learned, pious, and laborious minis-

<sup>1</sup> *Colonial Records of No. Car.*, vol. I, 640, 644; *Dalcho's Ch. Hist.*, 69.



ters of the church to officiate in the vacant parishes." In doing this Mr. Thomas consulted the Society for the Propagation of the Gospel, and submitted what the society pronounced to be "a very full and satisfactory account of the state of the church in South Carolina." But he drew attention to the objectionable clause of the act establishing the church which placed in the hands of lay commissioners the power of removing the clergy. The society referred the matter to the Archbishop of Canterbury and the Bishop of London, and determined to "put a stop to the sending ministers . . . into those parts till . . . fully satisfied that the . . . clauses are or shall be rescinded, and that the matter put into an ecclesiastical method." When, however, afterward Governor Johnson and his Council explained that the provision had been "made to get rid of the incendiaries, and pest of the church, Mr. Marston," and that had the society known the facts of the case, it would not have blamed them "for taking that or any other way to get rid of him," and that Mr. Boone, who in this matter was apparently so zealously championing the cause of the church, was "a most rigid dissenter," who, while pretending to defend the rights of the clergy, was really endeavoring to defeat the act, "because it established the church . . . and settled a maintenance on the ministers," they were evidently satisfied; for they sent back with Mr. Thomas, in 1705, Mr. Thomas Hasell in the same year, and Mr. Francis Le Jau in 1706, before the act was repealed.<sup>1</sup>

Of these measures, which caused so much contention and discussion both at home and in England, the first, that requiring conformity with the Church of England on the part of the electors of the Commons, was a measure originating in the politics of the mother country, but readily

<sup>1</sup> *Digest Soc. Prop. Gospel Records*, 13, 14, 849; *Dalcho's Ch. Hist.*, 69.



adopted by the churchmen in Carolina, to wrest and secure the control of the province from the dissenters. During the last fifteen years there is little doubt but that the dissenters had been a majority in the colony, and were the richest and soberest amongst them. From the arrival of Blake, Morton, Axtell, and their followers they had governed the colony; and it was with chagrin that they saw the new arrivals from England and the West Indies joining with the Huguenots to supersede their rule. Hence the bitter opposition to these people, whom, though like themselves exiles for religion's sake, they were contumeliously classing with negroes and the lowest of the whites. There is no evidence that the dissenters now constituted two-thirds of the population as asserted by Mr. Marston.<sup>1</sup> On the contrary, as we have seen, those who conformed to the Church of England constituted very nearly one-half of the population; and it is not to be assumed that all the non-conformists were united, differing as they did amongst each other. The very vehemence of their opposition to the French Protestants is a persuasive argument that they recognized that the pending union between the churchmen and Huguenots would constitute a governing majority of the colony.

The attempt of the churchmen to secure their supremacy by the exclusion of the dissenters, under the test of conformity to the church, was unwise, impolitic, and improper. But in the end it proved to be a matter of political ethics, not of constitutional right. The weak opinion of the Attorney General and Solicitor General clearly exhibits this. They rest their objection to the measure upon the clause of the charter requiring the laws of the province to be as near as may be to those of England, — an elastic provision, capable of indefinite contraction or expansion

<sup>1</sup> *British Empire in Am.*, vol. I, 486.





as the purposes of party might require. They find that the provision of the law of Carolina, accomplishing the purpose in this province,—the same that the Commons had again and again attempted at home, to be so contrary to the laws of England as to be in violation of the provision of the charter. And yet, at this very time, Chief Justice Holt, while holding that slavery was so abhorrent to the laws of England that every slave was made free upon touching her soil, was upholding the slave trade in the interests of the merchants of London, and declaring negro slaves merchandise under the navigation acts, and salable and recoverable property in the colonies.<sup>1</sup> If Attorney General Northey and Solicitor General Harcourt were right, that the adoption by a colony of a measure which had been overwhelmingly and repeatedly approved by the Commons in Parliament was such a departure from the law of England as to be a violation of its charter, what was to be said of the courts of England, then and afterwards, upholding, in regard to slavery, one law for the colonies and another for the mother country? It is not improbable that the law officers of the Crown began to perceive some of these difficulties, and were glad to abandon the controversy under the plea of the privilege of the peers.

The other measure was more of a local one,—one fully justified by the condition of the church in the colonies; nor was it, as declared by the address of the Lords in extravagant language, in violation of the constitution of the Church of England. Deprivation and degradation are two very different matters in all ecclesiastical laws. The latter can only be imposed by an ecclesiastical court. The former must depend upon the law of the benefice or “living,” as a matter of property. The lay commission had no power to suspend, deprive, or depose a clergyman from

<sup>1</sup> *Salkeld's Reports*, 666; *Bancroft*, vol. II, 279 (ed. 1883).



his sacred function: but, as representing the body which furnished the means of living, it was authorized to inquire into cases of unworthiness of the support it provided. In the absence of a bishop or any other ecclesiastical authority, the act provided a board to hear and decide differences between congregations and their rectors. In England, proceedings of deprivation were generally had in the ecclesiastical courts, but these were always subject to the courts of common law which regulated them, and sentences were pronounced by the bishop with the assistance of his chancellor and dean, if their presence might be conveniently had. The general rule no doubt was that there could be no deprivation without precedent ecclesiastical sentence. But the rule was by no means universal. There were divers statutory offences, some of nonfeasance or neglect as well as others for malfeasance, and crimes such as failure to read the liturgy and articles and to make declarations against popery, improper absence, simony, etc., which needed no ecclesiastical sentence, but which *ipso facto* worked deprivation and loss of benefice.<sup>1</sup>

The Bishop of London's jurisdiction in the colonies was at this time questioned, as we have seen; and justly so, as it was ultimately held by the Privy Council in England.<sup>2</sup> In Jamaica, where it was barred by statute, the Governor, as head of the provincial church, as the representative of the King of England, not only inducted clergymen into their rectories, but was likewise vested with the power of suspending clergymen for lewd and disorderly lives upon application of ten parishioners.<sup>3</sup> The

<sup>1</sup> Burns's *Ecclesiastical Law*, vol. II, 126; Dwyer's *Reports*, 275; Jacob's *Law Dic.* Title, *Deprivation*.

<sup>2</sup> *N. Y. Col. Doc.*, vol. VII, 363.

<sup>3</sup> *Hist. West Indies* (Bryan Edwards), vol. I, 208, 348.

In Virginia the Governors Ethingham, Nicholson, and Spotswood



Carolina act gave this power to the lay commissions instead of to the Governor. Was it not proper, there being no bishop in Carolina, that where the General Assembly was taxing this people to support and maintain the clergy, providing them with parsonages, glebe lands, and negroes to work the glebe lands, all at the expense of the public, some court should be provided to hear complaints against rectors or ministers of the several parishes, and to remove or translate them for good cause? The Governor in Jamaica could remove upon the application of ten parishioners; under the Carolina act the application must be made by nine under the sanction of the vestry, an additional safeguard to the clergy. Was Mr. Marston to be allowed to meddle with this affair of the government, assail its members from the pulpit, comparing them to Korah and his rebellious brethren, and the people have no power to remove him? Would not any vestry to-day sever the connection between their rector and their church for causes mentioned in the act? Do they not do so habitually? The act in question, in fact, provided a protection to the clergyman, in that it would not allow him to be displaced, as he is practically to-day by the vestry, whenever differences arise between the congregation and himself. Dr. Daleho, while maintaining that Mr. Marston was removed by a power having no canonical jurisdiction in ecclesiastical affairs, admits that "he owed his removal to his imprudent and litigious disposition."

claimed to be the representatives of the King in Church and State, and patrons of all the parishes, also to be the representatives of the Bishop of London, having the disposal of the ministers and the exercise of discipline over the clergy, thus making the office of the commissary a nullity. *Old Churches and Families in Virginia* (Bishop Meade), vol. I, 159.

In Maryland the right of induction and presentation were both centred in the Governor alone. The commissary could only remonstrate. *Anderson's History of the Colonial Church*, vol. III, 178.





But if the Carolina act was so obnoxious to the constitution of the Church of England as to be ground for a forfeiture of its charter, why was not that of Jamaica to be forfeited as well? The opinion of the law officer of the Crown could not have been sustained before the courts in either of the cases. It was well for the government that so convenient an excuse for dropping the case was so easily found.

The Queen had ordered the Proprietors to have these measures repealed. Her Majesty's power to do so might well have been questioned. But while the Proprietors, divided among themselves into two as distinct parties as the colonists themselves, had now escaped a threatened forfeiture of their charter, they recognized the danger of the continued hostile attitude of the Board of Trade and were well content to come out of the difficulty without further controversy. Instructions were sent for the repeal of the measures in question. And indeed it was time that this should have been done, for the Assembly in Carolina had already given way in response to the defeat of the Tories in England.

The act requiring conformity to the church as a qualification of election had been passed, it will be recollected, by a majority of only one in a House from which several members were absent. In a full House some time after a bill had been carried for its repeal, but was lost in the Upper House, and Governor Johnson had, it is said, "in great indignation dissolved the Commons House by the name of the Unsteady Assembly."<sup>1</sup> In the election for the new Assembly Oldmixon states that Craven and Berkeley counties were so straitened by the qualifying act that they had not twenty men to represent them unless they would choose a dissenter or one unfit for the position.

<sup>1</sup> *British Empire in Am.*, vol. I, 486.



Several persons were admitted as representatives from Colleton County in the place of those who refused to qualify, under a provision of the act, which upon the whole was perhaps its worst feature, providing that in such cases the candidate having the next greatest number of votes should be entitled to the seat. John Ash, the son of the dissenters' first agent to England, qualified himself by taking the oaths and signing their declaration, but was not apparently otherwise a complaisant member. He was soon called upon to answer for words spoken in derogation of the House.<sup>1</sup>

Upon the opening of the General Assembly on the 6th of March, 1706, Governor Johnson sent in a message. As to the clause in the Church act relating to the twenty commissioners, he said, the members were aware, by the printed votes of the House of Lords and their address to her Majesty, what offence it had given. In order, therefore, to give full satisfaction to the Lords, the bishops, and the Society for Propagating the Gospel, who were offended by it, and in order to settle the church in the province by an act that might not be disturbed in England, he proposed to repeal all the several acts upon the subject and then to pass one general act establishing the church without the clause giving a power to remove the clergy. All knew, he said, that the passing of that clause was to get rid of that pest of the country, Mr. Marston, who had been a common incendiary in the province, and had been the cause of differences and animosities between himself and the parishioners of St. Philip's, and that, if suffered to remain, the people generally would forsake the church. He recommended, therefore, that there should be a clause in the new act disabling Mr. Marston from being minister in Charles Town. He thought that

<sup>1</sup> MSS. *Journals*.



one church was not sufficient for Colleton County and recommended the establishment of another parish within its limits. As the main end of the act against dissenters, he said, was to enable the Assembly to establish the Church of England, so when the act he proposed was passed he recommended the repeal of that against the dissenters. "I do now propose to you," he concluded, "that upon the passing of the act for the security of the church as before proposed, I shall be ready to join you in the repealing of the act against the dissenters sitting in the Assembly."<sup>1</sup>

The Assembly did not act immediately upon the message of the Governor, but took up other business, and passed another measure, which the dissenters declared to be merely for the perpetuation of the church party's power, and not because of the reasons assigned for its enactment. This act provided for the continuance of the present Assembly for the term of two years after its ratification, during the life and continuance in office of the present Governor, and that it should not be dissolved by any power or person whatsoever within that time, except by the Governor and Council that then were. It was to continue likewise for eighteen months after the end of the administration of the present Governor by death or removal. The reason assigned for its passage was the danger of another invasion by the French and Spaniards, which might render an election inconvenient and inexpedient, or leave the province without a duly organized House; and also — which, indeed, was no doubt its real motive — because the preservation of the Church of England so happily begun might be endangered, if not wholly subverted and overthrown, upon the election of another House. This attempt to prevent the exercise of the popular will was as futile as it was unwise; and, as we shall see, was disre-

<sup>1</sup> MSS. *Journals Commons.*



garded by the Governor and Council themselves, though they now approved the measure.<sup>1</sup>

On the 30th of November, 1706, in pursuance of Governor Johnson's recommendation, all acts relating to the church were repealed<sup>2</sup> and another general act upon the subject passed on the same day. The act of 1704 had provided for the building of six churches, but had not laid out or defined the limits of the parishes. By this act the province was divided into ten defined parishes. The neck of land between Cooper and Ashley rivers was made into a distinct parish, to be called the parish of St. Philip's in Charles Town. The rest of Berkeley County was divided into six more parishes: one upon the southeast of Wando River, to be called the parish of Christ Church; one upon the neck of land between Wando and Cooper rivers, to be called by the name of St. Thomas's; one upon the western branch of Cooper, to be called by the name of St. John's; one upon Goose Creek, to be called by the name of St. James's, Goose Creek; one upon the Ashley, to be called by the name of St. Andrew's; one in Orange Quarter, for the use of the French settlement there, to be called by the name of the parish of St. Dennis. Colleton County was divided into two parishes: one on the south side of the Stono River, to extend to the north side of South Edisto, to be called by the name of St. Paul's, and the other on the north of St. Helen's to be called by the name of St. Bartholomew's. The Huguenots on the Santee had petitioned that their settlement be made a parish, and that their minister should have the same allowance as ministers of other parishes, and so that part of Craven County known as the French settlement on the Santee was made into a parish, and the church built in Jamestown in that settlement was declared to be the parish church of St. James's, Santee.

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 266.

<sup>2</sup> *Statutes of So. Ca.*, vol. II, 282.





The influence of the Barbadian element in the province is noticeable in the names of these parishes. The names of these and those afterwards established are almost identical with those of the parishes of Barbadoes.<sup>1</sup>

The act provided for the building of six churches and six houses for the rectors of the several parishes, and £2000, raised by the imposition of a tax on skins and furs, chief articles of commerce, was appropriated for the purpose. This was a very large sum of money, amounting possibly to \$40,000 of our present currency. Commissioners were appointed to take grants of land for the sites of the churches and churchyards and glebes, and for the houses for the rectors. Three of these were Huguenots.<sup>2</sup> The rectors were incorporated as in the act of 1704. The rector of St. Philip's was to receive £150 per annum; the several other rectors £50 each for three years and after three years £100, except the rector of St. Dennis, who was allowed £50 per annum. The rectors were to be chosen in the same manner as had been provided in the act of 1704, that is, by the inhabitants of the several parishes who were of the Church of England. The rector of St. Dennis, Orange Quarter, and of St. James's, Santee, were allowed to read the service in the French tongue according to a translation which had been approved by the Bishop of London. Orange Quarter was really a part of St. Thomas's

<sup>1</sup> The names of the parishes in Barbadoes were: St. Michael's, St. Peter's, St. Thomas's, St. John's, Christ Church, St. Lucy's, St. James's, St. Philip's, St. Andrew's, St. George's, St. Joseph's. *Hist. of Barbadoes* (Poyer), 116. *Hist. West Indies* (Bryan Edwards), vol. I, 321.

<sup>2</sup> The names of the commissioners were: Sir Nathaniel Johnson, Kn't, Hon. Thomas Broughton, Nicholas Trott, Robert Gibbes, Henry Noble, Ralph Izard, James Rishoe, William Rhett, George Logan, Arthur Middleton, David Davis, Thomas Barton, *John Alardata Motte*, Robert Seabrook, Hugh Hicks, John Woodward, Joseph Page, John Ashly, Richard Buresford, Thomas Wilkinson, Jonathan Fitch, William Bull, *René Racewel*, and *Philip Gordon*. Those in italics were Huguenots.



Parish, but few of the inhabitants could attend the English Church, as they did not understand the English language, and most of them had been accustomed to meet together in a small church of their own; as they desired, however, to conform to the established church, upon their application they were incorporated into it.<sup>1</sup>

It was provided by this act that in each parish seven vestrymen and two churchwardens should be elected on Easter Monday in each year, who should be required to be sworn to the oaths of allegiance and supremacy and to subscribe the test against transubstantiation. They were required to serve under a penalty.

The essential benefits to the colony arising from this act, observes Rivers, cause us to regret the violent and illegal measures by which it originated. Pious and learned men could now be induced to come to Carolina, whenever their services were needed. Education and Protestant Christianity, he continues, are so blended that a country must be destitute of both, if it be long in want of either. The Society for the Propagation of the Gospel sent out missionaries not only to preach, but to "encourage the setting up of schools for the teaching of children."<sup>2</sup>

There is preserved in the Charleston Library a manuscript volume containing eight charges delivered by Chief Justice Trott to the General Sessions; one of these, delivered at this time, is upon the subject of witchcraft, and is a most learned and elaborate defence of the theory of the existence of witchcraft as a crime. While not actually asserting that every one that doubts the existence of witches must necessarily deny the existence of spirits, the Chief Justice makes bold to assert that they who have given good proof of apparitions and witches have done

<sup>1</sup> Humphrey's *Soc. Prop. Gospel*, 105; Dalcho's *Ch. Hist.*, 288.

<sup>2</sup> Dalcho's *Ch. Hist.*, 47-50; *Hist. Sketches of So. Ca.* (Rivers), 231.



some service to the cause of religion: for, he ingeniously argues, if there be such creatures as witches, then there are certainly spirits by whose aid and assistance they act, and by consequence there is another invisible world of spirits. "Now, though I am not at all inclined to believe," he charges the jury, "every common idle story of apparitions and witches neither should I have you to be over credulous in things of y<sup>e</sup> nature especially when they come before you in a judicial manner." He goes on to tell the jury "yet that there are such creatures as witches I make no doubt; neither do I think they can be denied without denying the truth of the Holy Scriptures or most grossly perverting them. Now," he says, "that the Holy Scriptures do affirm that there are witches is evident from so many places that might be produced out of them that time will not permit me to cite them to you." The Chief Justice then proceeds to examine and discuss before the jury passages of Scripture upon which he relies for his belief, and in doing this he quotes, and endeavors to explain to the jury, the original Hebrew text of the Old Testament upon the subject. The juries must have been very different in those days from the present had they been able to follow his Honor. We have no information that any action was taken upon this charge. Trott was not singular in his belief at the time. Indeed, he was but adding his classical learning to the charge of Sir Matthew Hale in the famous witchcraft trial at Bury St. Edmunds, thirty years before, in which that great judge declared his belief that there were such creatures; for, said he, the Scriptures have affirmed as much.<sup>1</sup> At the close of the seventeenth century belief in witchcraft was widespread, and it continued, to a greater or less degree, for a hundred years after. The fanatical outbreak at Salem,

<sup>1</sup> *State Trials*, vol. VI, 647-702.





Massachusetts, in 1691-92. is one of the most striking incidents in the history of New England.<sup>1</sup> The act of James I. c. 12. against witchcraft was one of the English Statutes which we shall soon see reënacted in this province, in 1712.<sup>2</sup> It is said that in 1792 witches abounded in what is now Fairfield County in this State, and as late as 1813 or 1814, Stephen D. Miller, later one of the most distinguished men of the State, gravely maintained the defence to an indictment of assault, battery, and false imprisonment that an old woman, the prosecutrix, residing in Chesterfield had maltreated by diabolical arts a poor girl residing in Lancaster, and had ridden her as a horse from town to town.<sup>3</sup>

The volume of manuscript charges of Chief Justice Trott concludes with one in which he sentences a woman to be burned under the provisions of the common law, which holds the murder of a husband by a wife to be petty treason, and therefore liable to that terrible punishment. We have, however, no record of the case nor account of the execution of the sentence. We may safely assume that the woman was not burned.

<sup>1</sup> *The Emancipation of Mass.* (Brooks Adams), 216-236.

<sup>2</sup> *Statutes*, vol. II, 508.

<sup>3</sup> See a most interesting note of Dr. Thomas Cooper, editor of the *Statutes at Large*, upon this subject. *Statutes*, vol. II, 739-743.



## CHAPTER XX

1706-1709

IF the Tories in England had lost their influence by their lukewarmness to the war, those in Carolina, under the lead of Sir Nathaniel Johnson, had redeemed the character of their party for loyalty and devotion to her Majesty the Queen, and to the cause of the mother country against all her enemies. Putting aside all party strife and daring, not only the united forces of the French and Spaniards, but the danger of pestilential disease, they had hastened with their fellow-colonists, in the double exposure of their lives, to the defence of the infected and beleaguered town. They may not yet have heard of Mari-borough's glorious victory of Ramillies of the 23d of May; but they remembered Blenheim, and as far as the opportunity and occasion had allowed in this extreme outpost of the kingdom, had likewise performed their duty, and added some fresh laurels to the glory of England of the year 1706. They had done at least their duty — as if at Namur.

But great had been the calamities of the summer. The yellow fever had been most fatal. Five or six deaths a day among the small population of the town was not an uncommon occurrence. Among those who died were the restless and ambitious Colonel James Moore, the Rev. Samuel Thomas, who had just returned from England, where we have seen him in conference with the Society



for the Propagation of the Gospel, Mr. Job Howes, the Speaker of the Assembly which had passed the laws that had occasioned so much contention, and many other worthy persons of both parties. Some dissenters, not contented with the defeat of the measure which would have excluded them from the government, but objecting to the establishment of the church at all, had abandoned the colony.

The number of the inhabitants was, nevertheless, increasing, and though most of the dissenters acquiesced in the establishing of the church, they renewed the struggle for the political control of the colony, and soon regained their ascendancy in the Assembly.

During the distractions of the province and the confusion spread everywhere by the war with France and Spain, the traders among the Indians had carried matters with a high hand; their abuses now occasioned fresh trouble and alarm. Though Colonel Rhett had succeeded Howes as Speaker, the Governor's party lost control of the Commons, and the Assembly determined to remodel the whole plan of conducting the Indian trade. It was proposed to appoint commissioners with full power, executive and judicial, to settle without delay all difficulties in that business. The salary of the Governor was at that time £200 sterling; but this was augmented indirectly by allowances derived from the management of this trade. It was now proposed that the customary presents from the Indians, for which they expected special favors, should go into the public treasury, and an equivalent was offered to the Governor in lieu of these perquisites. Sir Nathaniel demurred to this as curtailing the only "considerable source of his income," and appealed to the Assembly: were not his services in the recent invasion "sufficient to excite their gratitude and liberality"? But the Assembly was obdurate. Instead of yielding, they sent a bill for his approval to prevent tu-



mults at elections, which he rejected as contrary to his instructions. Notwithstanding the act continuing the present Assembly for two years, approved by him so shortly before, the Governor thereupon dissolved the body.<sup>1</sup>

At the election for a new Assembly the party in opposition to the Governor gained complete ascendancy, and at once elected as Speaker Thomas Smith, whom the former House had had in custody because of the libel of his letters to Ash. Mr. Marston had been continuously importuning the Governor and Assembly for his salary, of which he had been deprived: and upon the accession to the speakership of his friend, Mr. Smith, for visiting whom while he was in the custody of the Messenger he had been arraigned by the House, Mr. Marston at once renewed his application for payment. The Governor complained that he was affronted "by his saucy letter" and rejected it. But the House heard Mr. Marston favorably, and, on the 30th of October, 1707, sent an address to the Governor and Council asking for their reasons "why Dr. Marston ought not to be paid according to the directions of the Church act." The Governor and Council replied, November 6, that they wondered that the Assembly should ask, "when you may see the reasons very plainly in the words of the ordinance, where, after reciting his offences, it is expressly said that no more money shall be paid him out of the public treasury until such time as by an ordinance of the General Assembly upon his amendment, better behavior, and submission to the government he be restored to the same." That so far from any amendment or submission, "he continued his abuses and railing constantly in his sermons, so that neither the Governor nor no one of those concerned in the government could go to church except they would

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 243.





be content to hear themselves abused; he having his abusive papers, ready penned into his sermon notes, to make use of when he saw any one concerned in the government come to church." In answer to the argument that Dr. Marston had officiated, they said that no one desired him to do so, and all would have been glad if he had left it alone; for it was his doing so drove them and others from the church. "And therefore," continued the Governor and Council, "we wonder to see you repeat your affronts to the Governor by siding with Mr. Marston by which we and every one may plainly see that a person need have no other qualification to entitle him to your favor but abusing the government." They concluded by assuring the Assembly: "We will never give consent that he shall have any money paid him out of the public treasury; neither will we spend any more time and pains in receiving or answering any more messages relating to him."<sup>1</sup>

Having failed to reinstate Mr. Marston, and disposed to be quarrelsome, the Assembly next turned upon the Governor's two friends, Colonel Rhett and Chief Justice Trott. They resolved that Rhett "should no longer be sole commissioner for the fortifications," and requested to be informed how Trott obtained his position as deputy in the Council. They had not, they said, been officially notified how Nicholas Trott, of London, had become Proprietor. Governor Johnson replied informing them that Clarendon's Proprietary share had been assigned to Sothell, and upon his death the Proprietors had assigned it to Amy, and that Amy had assigned it as a portion for his daughter upon her marriage with Nicholas Trott, of London, a cousin of the Chief Justice, whom he had appointed his deputy. The Commons were not satisfied.

<sup>1</sup> Dalcho's *Ch. Hist.*, 69-72.



Indeed, they had probably been instigated from London to raise this question. They desired proof that the other Proprietors had sanctioned the claim of Mr. Trott of London, and declared the Chief Justice "an unfit man for any public commission or office."<sup>1</sup>

Without consulting the Governor, and in manifest disrespect to him, the Assembly sent Mr. Berresford under their authority to the Savannah Indians. The Governor and Council resented this as an additional slight and interference with their prerogatives, as they alone had power to make peace or war. Pursuing the same hostile course, the House renewed the question as to their right to elect a Receiver of the public money. James Moore, the Receiver, had died the summer before, and the Assembly now claimed the right to elect his successor, as they had ineffectually attempted before on the death of Mr. Ely. If the Proprietors or other deputies, said they, claim to appoint this officer under the charter, they can as well claim to appoint the Speaker of the Assembly. Was it not strange, they asked, that the greater power of disposing of the public money was in the people, and the lesser power, incidental to it, of choosing the Receiver of the money, should be denied them? They proceeded to nominate Colonel George Logan for the office. The Governor objected, but the House persisted and unanimously elected him.<sup>2</sup>

The Board of Trade in England had eagerly listened to the mission of Mr. Boone as opening the way to a subversion of the Proprietors' charter and the establishment of an immediate Royal Government, and in so doing had given a new vent to the discontent with the Proprietors and their Governor and Council. The opposition

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 244.

<sup>2</sup> *Ibid.*, 245.



party, which had now the control of the Commons in South Carolina, at once availed themselves of this new opening to the ear of the Royal Government. They appointed a committee on grievances and sent their report to the Queen. They also prepared specific charges against Trott, and desired the Governor and Council to displace him from his office of Judge and asked that he be brought to trial before a court. "The whole body of the people," said they, "have such an aversion against him upon just grounds that they will neither hurry their actions nor serve as jurymen until he be either punished or legally cleared of what is laid against him." The Governor refused to remove Trott, as such an action on his part would be unprecedented and contrary to law. The House should impeach him before the Council. This the House refused to do; while Trott, on the other hand, declared that he could only be tried in England before the Proprietors from whom he held his commission.<sup>1</sup>

Had the condition of the province permitted it, Governor Johnson would long since have dissolved this refractory House of Representatives. But a threat of invasion by the Savannah Indians obliged him to reconvene them. Upon their assembling, he requested that, before proceeding to business, they would rescind from their journals the complaints against himself. To this request they answered they did not consider themselves legally convened, because Trott's name on the proclamation just completed a quorum of the Council, and they did not recognize him as a deputy. The inconsistency of this position is apparent; for, if not properly convened, they constituted no legal body to be sitting receiving and sending messages. But standing upon this point, it was with difficulty that the Assembly could be brought to the consideration of the

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 245.





exigencies of the province, and induced to enable the Governor to organize a force against the public enemies, and to raise money for its support.<sup>1</sup>

Thomas Smith, the present Speaker, had been arrested by the previous House, and taken into custody of the Messenger for libelling that body. The tables were now turned, and he was avenged. Colonel Risbee, a member of that House, the author of the bill against dissenters, was brought to the bar, before Smith as Speaker, on a charge of villifying the present Assembly while over his bottle of wine in a tavern.<sup>2</sup>

The Governor saw that a compromise was necessary to allay the increasing excitement. Logan, having declined the office so that no personal objection to himself might embarrass the Assembly, the Governor yielded on his part, and approved an act which asserted the right of the House to elect the Receiver. The Assembly then agreed to allow the Governor £400 for relinquishing the Indian perquisites, besides £100 per annum, and at length sufficient harmony was restored for proceeding with enactments which the public interests demanded.<sup>3</sup>

At the next election the Governor's party regained their control. The new Assembly was organized with Colonel Risbee as Speaker. But changes had taken place in England which allowed his Excellency but a short enjoyment of his restored power. Lord Granville was dead, and was succeeded as Palatine by William Lord Craven;<sup>4</sup> the Board of Proprietors was reorganized, and turned against him.

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 246; *Statutes of So. Ca.*, vol. II, 320-324.

<sup>2</sup> *Hist. Sketches of So. Ca.* (Rivers), 246.

<sup>3</sup> *Ibid.*, 246; *Statutes of So. Ca.*, vol. II, 305-311.

<sup>4</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 153.



The board, as now composed, consisted of William Lord Craven, who represented also the minor Lord Carteret, Sir John Colleton, Maurice Ashley, who represented also the minor Joseph Blake, and John Archdale. The share of the late Lord Granville was not represented, and Trott (who claimed not only the Clarendon-Sothell share, but that also originally of Sir William Berkeley, which Archdale was now admitted to represent) was not recognized at all by the other Proprietors. The board thus constituted was reduced practically to but four members,—Lord Craven, Sir John Colleton, Maurice Ashley, and John Archdale. But Trott would not tamely submit to his exclusion. He instituted proceedings in chancery. It was upon this that the move was made in the Assembly in South Carolina against the deputation of his cousin, the Chief Justice, as his representative in the Council.

Trott's case was this: Thomas Amy, it will be recollected, had acted as the agent in procuring immigrants for the colony, and had been made use of as a trustee for them when they bought the share of Sir William Berkeley. This trusteeship they had changed without his consent or release, and had sold the share to Thomas Archdale without his concurrence or his joining in the conveyance. The legal title to the share, therefore, it was claimed, remained in Amy and this claim was really never confuted. The Proprietors had, however, in the place of that share, assigned to Amy the share late of Sothell, which they had sequestered: and Amy had settled it upon his daughter as a portion when she married Trott. Thomas Amy died September 21, 1704. And upon his death, Trott, very probably at the suggestion of his kinsman the Chief Justice of Carolina, set up a claim, not only to the Sothell share which had been settled upon his wife, but also to a considerable sum alleged to have been advanced by Amy while he was acting



as the agent of the Proprietors — a sum ascertained by the courts to amount with interest to £2538 11s 3d. For this sum he claimed that the heirs of Amy, *i.e.* his wife, Ann Trott, and her sister, Elizabeth Moore, were entitled to hold the legal title of the share which had been sold to Archdale without Amy's concurrence or without his joining in the conveyance. This contention of Trott we shall see sustained by the decree of the Lord Chancellor Macclesfield, but afterwards reversed by the House of Lords:<sup>1</sup> that body still, however, recognizing that the legal title was yet in the heirs at law of Amy.

John Archdale, on the 22d of October, 1708, conveyed the share in dispute, the title to which he held, — that originally of Sir William Berkeley, — to his son-in-law, John Danson, for £200. But before doing so he avenged his party upon Sir Nathaniel Johnson, "whose chymical wit," he charged, had transmuted the civil differences in the colony into a religious controversy.<sup>2</sup> The Clarendon-Sothell share, meanwhile, was not represented.

The late Palatine, says Hewatt, from a mixture of spiritual and political pride, despised all dissenters as the enemies of both hierarchy and monarchy, and believed the State could only be secure while the civil authority was lodged in the hands of High Churchmen. Lord Craven did not possess the same proud and intolerant spirit; he considered that those Carolinians who maintained liberty of conscience merited greater indulgences from them, and though a friend to the Church of England, he doubted whether the minds of the people were ripe for the introduction of that establishment. He therefore urged lenity and toleration.<sup>3</sup>

<sup>1</sup> *Trott v. Danson*, 3 *Brown's Parl. Cases*, 449; 1 *Perre Williams*, 780.

<sup>2</sup> *British Empire in Am.*, vol. I, 483.

<sup>3</sup> *Hewatt's Hist. of So. Ca.*, vol. I, 195.



Governor Johnson was now assailed through Archdale's influence from both colonies; from North as well as from South Carolina. By his commission, Sir Nathaniel was Governor of both South and North Carolina, with power to appoint a Deputy Governor in either. Under this power he had appointed Colonel Robert Daniel Deputy Governor of North Carolina, while he personally administered the government of South Carolina. Governor Daniel had succeeded in establishing the church in his colony; but had not attempted a disfranchisement of the non-conformist.<sup>1</sup> But the Quakers, who were very numerous in North Carolina, had refused to take the new oaths prescribed by Parliament in the first year of Queen Anne (1704), and were consequently dismissed from the Council, Assembly, and courts of justice. This so nettled them that, in 1706, they sent one John Porter to England with fresh grievances and complaints against Sir Nathaniel and his deputy, Colonel Daniel,<sup>2</sup> and succeeded in prevailing upon the Proprietors to order Johnson to remove Daniel, and to appoint another Deputy Governor.<sup>3</sup>

Mr. Boone had been much elated by his success with the Board of Trade and the Whig House of Lords against the measures of Sir Nathaniel in South Carolina, and now that Lord Granville was dead, and the dissenters in the ascendancy among the Proprietors, nothing but the disgrace of the Governor would appease the indignity with which he conceived himself to have been treated by the board under the late Palatine. He presented another petition to the Lords Proprietors, charging the Governor with crimes against the civil and religious interests of the province.<sup>4</sup> He charged that the "province was in great

<sup>1</sup> *Colonial Records of No. Ca.*, 1 vol., Preface (W. L. Saunders).

<sup>2</sup> *Ibid.*, 708.

<sup>3</sup> Hawks's *Hist. of No. Ca.*, vol. II, 508.

<sup>4</sup> Dalcho's *Ch. Hist.*, 82.



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danger of being brought into a ruinous condition if not absolutely lost, and falling into the hands of the French by the present evil administration of the government there." With feigned devotion he declared that the Fundamental Constitutions — the same aristocratic Constitutions which the people had been resisting since the foundation of the province, and which themselves established the Church of England, but which he now described as "calculated with great wisdom and temper suitable to the different persuasion of christians about religious matters" — had been of late very much violated. That "thereby," *i.e.* by the violation of the Constitutions, "the inhabitants had been so divided, and such animosities raised amongst them, as have been the frequent occasion of riots and tumults in which several of the inhabitants had been in danger of losing their lives."

The inhabitants had hoped, he said, that the province would have been restored to its former peace and tranquillity when the two unreasonable acts of Assembly were repealed by her Majesty's authority, pursuant to an address of the Lords in Parliament; but, contrary to their expectations, the Governor of the province had dissolved the Assembly because he was informed they had prepared an address to her Majesty, and another to the Lords to testify their thankful sense of her Majesty's goodness in repealing those acts and the care of the peers in asserting their rights.

Then came a repetition of the old story that the elections had been managed with such partiality and injustice that "all sorts of people, even negroes, alien jews and common sailors had been admitted to vote in such elections." That to prevent this an act had been passed by both Houses of Assembly, but the Governor had refused to assent to it. Mr. Boone omitted, however, to mention that the reason assigned by the Governor for his so doing was



that the provisions of the act were contrary to his instructions.

A dangerous act had been passed—he went on to say—to continue an Assembly for two years absolutely, and for eighteen months after the death or removal of the Governor, unless the Governor should think fit to dissolve it sooner, whereby the very foundations of the people's freedom was absolutely struck at, and the province deprived of the only method they had to restore its first liberty. Again, Mr. Boone omitted to mention that the Governor, as we have seen, had in fact dissolved the Assembly, so that the objectionable act was at an end. The act was still made to do a turn,—to show how wicked Sir Nathaniel had been in assenting to it.

The Indian nations in the neighborhood of the province, Mr. Boone stated, had been so inhumanly treated that they were in great danger of revolting to the French, who were continually tempting them, whereby the province would be infallibly ruined; that the Governor, though admitting the danger, had refused to consent to an act upon the subject because it would take away a great part of his private profit: nor could he be prevailed upon to consent to it until he had in a shameful manner forced the Assembly to give him the sum of £400 and to settle £100 on him and on all succeeding Governors, which Mr. Boone alleged was a corruption beyond example. Then, changing the subject of his complaint from the Governor to Trott, justice, Mr. Boone charged, was very corruptly and partially administered by the present Chief Justice, who had several offices to himself which ought to be in different hands: that the Chief Justice had been guilty of very arbitrary proceedings by illegally imprisoning some of the best inhabitants, by refusing the presentation of grand juries, by countenancing riots, by taking upon himself



to exercise ecclesiastical authority and arbitrarily depriving an established minister of the Church of England of his living, and with treating some of the best inhabitants with scandalous and "revilious" language in open court. Mr. Boone stated that he had been threatened to be severely used if he should return to his estate and family in the province, only because he had come to England to represent the deplorable condition of the province. That those who had the power in the province had refused the public seal to be affixed to such papers as would make the evidences of all the grievances of the province more authentic, and to render it more difficult for the petitioner to make out his case. That he had forborne making any further application to her Majesty or the Parliament for redress of grievances, in the hopes that their Lordships would be pleased to provide speedy relief.

"Wherefore," continued Mr. Boone, "your petitioner most humbly prays that your Lordships would be pleased to take the calamitous state of the said province into your consideration, and to put the administration of the government there, upon such an equal foot as may be agreeable to the Royal charter by which it is held, and the Fundamental Constitutions established by your Predecessors, which encouraged some of the best inhabitants to transport themselves and families thither, and which while they were duly observed, increased the number of its inhabitants, and made trade to flourish and all the people there to live happy and easy."<sup>1</sup>

The position of the dissenters, as represented by Mr. Boone in England, was most inconsistent and insincere. While flattering the pride of the Proprietors in their Fundamental Constitutions, asserting against the well-known facts that the people had acquiesced in them and

<sup>1</sup> Dalcho's *Ch. Hist.*, 82-84.





flourished under their provisions, he was at the same time invoking the hostility of the Board of Trade to overthrow the charter which he was praising to the Proprietors. The purpose of his mission to England was to prevent the establishment of the church, and yet we find him arguing that the ecclesiastical government of the colony was under the Bishop of London, and declaring that the interference of laymen in church affairs was held in detestation and abhorrence in the colony. Demanding freedom of conscience for the people he represented and claiming that the guarantee of it under the charter carried with it the right of the elective franchise, he was indignantly resenting the extension of that right to the French Protestants who had settled in the province. Mr. Boone was, nevertheless, listened to and the removal of Governor Johnson determined upon.

Governor Johnson was not apprised of these movements against him, and only learned of them when the notice of his removal was received. It was not until April 9, 1709, that the Proprietors wrote to the Assembly notifying them of the appointments of Colonel Edward Tynte as Governor; Colonel Robert Gibbes as Chief Justice, William Sanders, Esq., Attorney General; Henry Wiggington, Secretary; Nathaniel Sale, Esq., son of Governor William Sale, Receiver General; and Edward Hyme, Esq., to be Naval officer. A postscript stated that the Duke of Beaufort was legally invested in the proprietorship of the late Lord Granville, and John Danson in that of John Archdale.<sup>1</sup>

Upon the reconvening of the Assembly October 20, 1709, Governor Johnson thus addressed that body: <sup>2</sup>—

“You all know that the Gentleman who is to succeed me is expected in every day, and my utmost ambition when I resign the gov-

<sup>1</sup> *Coll. Hist. Soc. of So. Co.*, vol. I, 156.

<sup>2</sup> Dalcho's *Ch. Hist.*, 80.



ernment is, only to carry with me an unsullied reputation, and the character of having acquitted myself worthy of the trust committed to me; and though I may from the justice of this present assembly promise myself that advantage yet my satisfaction will be imperfect while Mr. Boone's libel against me to the Lords Proprietors remains unanswered, and which their Lordships have been pleased to send me, in order to acquit myself from the imputations it contains.

"It is that infamous Libel, Gentlemen, that I desire to lay before you wherein Mr. Boone most unfairly, when there was no person to appear or answer for me, endeavoured to traduce me to her Majesty, and the Lords Proprietors, and though I could in a less public manner assert my innocence and confute the slanders and reflections therein fixed on me, yet I choose this way not only that I may act with less partiality but that (if I appear to be slandered) I may receive such a public justification as will be sufficient to vindicate my past actions in the government, and confound my accusers, and herein it is my peculiar happiness that I do not appeal to persons unacquainted with my transactions in the government but to men who (for the major part) have been priory to my administration, and witnesses of all my actions both in Church and State.

"It must not at the same time be denied, but that as a man, and a man almost worn out with sickness and old age, I have had my infirmities and stood in need of a little indulgence, and probably some of my most zealous designs for the good of the province had not the designed success, but let me find no favour or excuse of any person, if I am found by your strictest scrutiny to have endeavoured the betraying this province to the French, involving you in a war with our friendly Indians, or any other enormous crimes raked together and penned in a style as inveterate as malice and envy could in the most bitter words be suggested or expressed.

"I do therefore, Gentlemen, conjure you, as each of you respect your particular honour and reputation to do me justice in this affair.

"The Libel or his Petition as he is pleased to call it I herewith lay before you. Please send for Mr. Boone and oblige him, if he can, to prove and make good the crimes he has therein laid to my charge, and give me leave to answer whatever he shall affirm before you, and upon the whole draw up such a report as shall be agreeable to the honour and justice of your House. If I am not innocent let me bear the guilt under the disadvantage of having it declared so by you. But if it appears, the gentleman has undeservedly abused me, let my justification be as public; that it may be recorded in the journals of



your House, be transmitted home to their Lordships to obviate any impressions taken to my disadvantage."

The Commons, who were now entirely in the interest of the Governor, sent for Mr. Boone, who, notwithstanding the warning he declared to have received, had returned home to appear before them and make good the charges he had presented in his petition to the Proprietors. They framed questions to be propounded to him. (1) Did he own to the petition? (2) When he was in England how came he to know that this province was in great danger (as set forth) of falling into the hands of the French and Spaniards, by the ill administration of the Governor? (3) To inform the House what constitutions were in force by laws of the province? (4) How he made out that the Governor had no other reason to dissolve the Assembly than the reason he set forth in his petition? (5) How he made out that the act for continuing an Assembly for two years, etc., was thought proper for the Governor's arbitrary purposes; and so destructive to the people's freedom? (6) Which of the most considerable freeholders and merchants had sent him to the Lords Proprietors? (7) Which and what elections had been invaded and managed with partiality? (8) By whom had the Indians been inhumanly treated and abused?<sup>1</sup>

Mr. Boone refused to submit himself to this examination. He first claimed exemption as deputy of the infant Proprietor Blake, but the other deputies refused to recognize him as such deputy. Upon this he left the town, and escaped the Messenger of the House sent to bring him before that body.

Mr. Boone having escaped their examination, the Assembly thus addressed the Governor:<sup>2</sup>—

<sup>1</sup> MSS. *Commons Journal*, October 29, 1709.

<sup>2</sup> Dalcho's *Ch. Hist.*, 85.



"We the Commons now met at Charles Town do return your Honour our sincere and hearty thanks for that excellent Speech you made, and delivered to us, at the opening of this present Session, and are truly sensible of your Honour's paternal care over this province during the whole course of your government; and notwithstanding the infirmities of age and sickness, your zeal for the public good in Church and State hath surmounted your particular ease and tranquillity, and you have undergone the fatigue with such cheerfulness and presence of mind, that it hath highly encouraged the inhabitants of this Colony to follow your good and well grounded examples and resolutions and cheerfully to undergo the troubles and expenses they have been at, in order to defend themselves against the common enemy now in this time of war. But when we come to that part of your Honour's Speech wherein you are pleased to give us an account of your Honour's being shortly to resign the government, it strikes us with the greatest concern and sorrow for the approaching loss of so good a Governor, and with the greatest wonder to know the reason of such a change, the administration of your government being always just and easy, and all your actions tending to the good of this Colony, so that when the government shall come to be out of your hands, we shall (with much sorrow) look upon it to be the greatest loss that could happen to this thriving Colony. In the next place we cannot but take notice of that false and scandalous Petition to the Proprietors of this Colony wherein there has been so much pains taken to set forth your Honour's actions in the blackest and bitterest manner; and do assure your Honour that we will use our utmost endeavor to know the truth of that petition by examining the author of it, and doubt not but to find it so false in every respect as to cause us to proclaim your Honour innocent by a vote of our House and that future ages may see that what is therein contained is false, give it room to be entered as such in the journals of our House.

"We do therefore with all due respect render and return our grateful acknowledgments as well for what service your Honour hath already rendered this Colony, and for your earnest desire to settle the Church of England as now by law established, and also for the assurance you are pleased to give us of continuing your provident care in promoting the good of this Colony when you shall be out of the government."

On November 5, the Assembly also addressed the Lords Proprietors:<sup>1</sup>—

<sup>1</sup> Dalcho's *Ch. Hist.*, 87.





"We your Lords most Obedient and dutiful servants, the Commons, at this present Assembly convened, have the freedom and liberty to acquaint your Lordships that at the opening of this Session the Right Hon: Sir Nathaniel Johnson Knt, Governor of this your Lordships Province recommended to us in his Speech amongst other things, the examination of a certain petition or memorial said to be lately presented to your Lordships by Mr. Joseph Boone against him requesting our strictest scrutiny therein, and such report thereof as should be agreeable to truth, and the Honour and Justice of a House of Commons. Accordingly (may it please your Lordships) we have taken the subject of that Petition into due consideration and though by the certainty of our own experience and knowledge we can and do from our consciences acquit our Excellent Governor of the maladministration thereby charged on him, yet to pursue the fairness of his request and to take off all umbrages of partiality in the proceeding, but more especially to disabuse your Lordships and vindicate the injured character and reputation of Sir Nathaniel Johnson we Resolved to send for Mr. Joseph Boone and to examine him before a Grand committee of our whole House on the particulars of that Petition, and to that end framed a previous draft of the most pertinent questions to ask him, intending him all necessary countenance and liberty to prove and make good his charge.

"But (my Lords) before matters were brought to this conclusion Mr. Boone (by some means unknown to us) coming to the knowledge of our design and being conscious of his own guilt and inability to maintain his accusation, made an interest (as we understand) with Madam Blake (the young Proprietor Blake's mother) to be appointed his representative in Council thereby to shelter himself from our House, and avoid the examination: for when our messenger required his attendance before us and gave him notice of our Resolutions he answered him that he would not appear before us, because it interfered with his privilege and the honour of the Upper House. And when afterwards (by an express answer of your Lordships Deputies) we were assured that he was not a member of that honourable number or admitted amongst them through the defect of some necessary qualifications we again sent for him, he most industriously avoided both our messenger, and his own house at Charles Town, and immediately by a hasty retreat or rather flight into the country made it impossible ever since either to see or speak with him. Whereupon we voted Mr. Boone's refusing to appear before us to be a contempt



of the authority of our House and ordered our messenger to take him into custody to answer that contempt at the Bar of our House. And because he declined to prove and make good before us, the articles in his Petition charged against Sir Nathaniel Johnson we have voted that Petition or Memorial which the said Boone presented to your Lordships to be false and scandalous, tending to create much jealousy and difference amongst the inhabitants of this Colony, and highly dishonourable to our governor. And in order to give your Lordships a more particular and nearer view herein, we have caused exact copies of the whole proceedings to be annexed to and accompany this address. This (my Lords) is all we apprehend necessary to be done in this affair at this time, and which we humbly submit to your Lordships judgment and consideration, professing to your Lordships not only that Sir Nathaniel Johnson in that scandalous Petition of Mr. Boone's is most falsely and barbarously traduced, but that we are all satisfied with his mild and easy government, and fully convinced that (under God) we owe the preservation of our lives and interests in this province to his personal courage, conduct and excellent administration. And at the same time acknowledge to your Lordships the great favour you have done us, not only in appointing so worthy a person for our governor (and that at a time when our circumstances stood in need of a soldier of his ability and experience) but also for continuing his authority so long amongst us; in the whole course of whose judicious management, Your Lordships privileges, and our rights were so well secured and so discreetly tempered that they mutually supporting each other were both preserved.

"This my Lords, and a great deal more (in common justice and gratuity) we owe and shall be ever ready to pay to the memory of Sir Nathaniel Johnson, and hope it will never be in the power of any ill meaning malignant persons to impress your Lordships to his disadvantage."

This address was signed by James Risbee, Speaker.

The necessity of some Episcopal supervision over the clergy sent to America was pressing in all the colonies.<sup>1</sup> The need of a bishop was urged by the missionaries of the Society for the Propagation of the Gospel upon their first arrival. They appealed for "a suffragan to visit the

<sup>1</sup> Anderson's *History of the Colonial Church*, vol. III, 70-75.



several churches: ordain some, confirm others, and bless all." Governor Nicholson, then Governor of Virginia, whose interest in the church was undoubted, expressed in a letter to the Archbishop of Canterbury his conviction "that unless a bishop be sent in a short time the Church of England will rather diminish than increase in North America." Dean Swift sought to avail himself of this sentiment, and was intriguing for "the bishoprick of Virginia."<sup>1</sup> The claim of the jurisdiction of the Bishop of London appears to have been one of the obstacles in the way of the appointment of a bishop in the colonies.<sup>2</sup> This jurisdiction the Bishop of London exercised to a very limited extent in some of the colonies by the appointment of presbyters as assistants, known to the Church of England as commissaries.<sup>3</sup> But these officers could exercise no other than administrative functions. They had the oversight of the clergy and people, but could not consecrate, ordain, or confirm. Two very able men occupied the position, one in Virginia and the other in Maryland. In the former was James Blair, the founder of the William and Mary College, and in the latter was Dr. Thomas Bray. In accepting the appointment, which he did at no little social and pecuniary sacrifice, Dr. Bray made as a condition the provision of parochial libraries for the ministers who

<sup>1</sup> Swift's works (Scott's ed.), vol. I, 98; Dalcho's *Ch. Hist.*, 90; *Hist. Am. Episcopal Ch.*, vol. I, 398.

<sup>2</sup> *Hist. Am. Episcopal Ch.*, vol. I, 399.

<sup>3</sup> The commissary was an officer in the Church of England whose office was probably derived from the *chorepiscopi* of the ancient church. These were supposed to be mere presbyters, assistants to the bishops whose dioceses were enlarged by the conversion of the Pagans in the country. Bingham, *Antiq.* vol. I, 56. Commissary is a title of jurisdiction pertaining to him that exercises ecclesiastical jurisdiction in places of the diocese so far distant that the chancellor cannot call the people to the bishop's principal consistory court without great trouble to them. Barns's *Ecclesiastical Law*, vol. II, 7.





should be sent out to the province. It was by means of this provision that he hoped to be able to secure from among the unbenediced and poorer clergy studious and sober men to undertake the service of the church in America.<sup>1</sup> The establishment of these libraries was not confined to Maryland, but, as we have seen, books were sent to South Carolina, as well as to other provinces. It was upon one of these parochial libraries of Dr. Bray that the Provincial Library was founded in 1698, a lay library being added thereto, as before stated.

The church having been now established with eight clergymen resident in the province,<sup>2</sup> ten parishes laid out, and six more churches provided to be built under the act of 1706, the Bishop of London determined to appoint and send out a commissary for South Carolina. In 1707 the Rev. Gideon Johnson, A.M., was recommended to the Bishop of London as worthy of his appointment by the Archbishop of Dublin, and others. The Bishop of London, satisfied with the character and attainments of Mr. Johnson, appointed him his commissary and sent him to Charles Town. The Lords Proprietors wrote, on March 2, 1707-1708, informing the Governor of the appointment, that Mr. Johnson had sailed, and they hoped that according to the Lord Bishop's recommendation he had been chosen minister for Charles Town.

After a tedious passage Mr. Johnson arrived off the harbor; but the ship not being able to cross until a succeeding tide, the commissary, impatient of the delay and anxious to reach his charge, ventured in a small sloop with three other passengers to proceed to town. It

<sup>1</sup> *Hist. Am. Episcopal Ch.* (Bishop Perry), vol. I, 138.

<sup>2</sup> These were the Reverends Atkin Williamson, Edward Marston, William Corbin, Philip de Richbourg, M. de La Pierre, Thomas Haseil, Richard Marsden, and Francis Le Jau. *Dalcho's Ch. Hist.*, 432.



happened that soon after leaving the ship, a sudden squall drove the sloop ashore upon "a sandy island,"<sup>1</sup> where they remained, it is said, twelve days before they were discovered by the boats sent to their relief.<sup>2</sup> The ship, waiting for a tide to cross, did not reach the town for some days after. When it was learned, upon her arrival, that Mr. Johnson had attempted to reach the city, and had not done so, sloops, boats, and canoes were sent in search of the missing clergyman. In the meanwhile, the party had suffered miserably for the want of shelter and food. One of them, a sailor, attempting to swim to the mainland was drowned; Mr. Johnson's health, which was not strong, was seriously injured by the exposure.

Disheartened and discouraged by this untoward entrance upon his work, and finding, as soon as he was able to exert himself, that a party had been raised by one Richard Marsden, who had imposed himself upon the people as a clergyman in good standing, to keep him out of his promised benefice; denied an entrance into his "parsonage house," finding, as he alleged, no respect paid to his official character, nor to the pledges and promises made to him by the authorities, both of Church and State, at home, — the good man in despair wrote to the "Great Bishop" who had sent him and with whom he corresponded: "I never repented so much of anything, my sins only excepted, as my coming to this place, nor has any man been treated with less humanity and compassion considering how much I had suffered in my passage than I have since my arrival in it."<sup>3</sup>

<sup>1</sup> This we suppose to have been Morris Island. Had it been Sullivan's Island, the name would probably have been given, as it was then well established.

<sup>2</sup> Dalcho gives the time of their detention on the island as but *two* days, — which is the more probable. But Bishop Perry quotes the letter as given in the text.

<sup>3</sup> *Hist. Am. Episcopal Ch.*, vol. I, 378.



Mr. Johnson arrived in the midst of the contentions over the church acts. In feeble health, with a large family, he found the cost of living in the province greater, he complained, than in England or Ireland, and for this his stipend was insufficient. But above all he was distressed at the factious opposition at the hands of a brother clergyman. This last difficulty was, however, soon overcome and Mr. Johnson was duly installed as rector of St. Philip's Church. It has been said that Commissary Johnson's humility and prudence softened the asperity of opposing interests in the colony, and that ultimately his piety procured him the love and esteem of all.<sup>1</sup> But Mr. Johnson's private letters to the authorities in England, since come to light, scarcely sustain this character. It is fortunate that the people over whom he came to minister did not know of the impression he had formed and of the opinion of them he had hastened to express upon his first arrival. He wrote to the Bishop of London:<sup>2</sup>—

“The people here generally speaking are the vilest race of men upon the earth. They have neither honor, nor honesty, nor religion enough to entitle them to any tolerable character, being a perfect medley or hotch-potch, made up of bankrupt pirates, decayed libertines, secretaries and enthusiasts of all sorts who have transported themselves hither from Bermudas, Jamaica, Barbadoes, Montserrat, Antego, Nevis, New England, Pennsylvania, etc., and are the most factious and seditious people in the whole world. Many of those that pretend to be churchmen are strongly crippled in their goings between the Church and Presbytery, and as they are of large and loose principles so they live and act accordingly sometimes going openly with the Dissenters, as they now do against the church, and giving incredible trouble to the Governor and clergy.”

This letter scarcely breathes a spirit of humility or Christian charity, and even allowing, as we should do, for

<sup>1</sup> Dalcho's *Ch. Hist.*, 79.

<sup>2</sup> *Hist. Am. Episcopal Ch.*, vol. I, 379.



the untoward events of his arrival, there is a bitterness and contempt in it scarcely compatible with the character of meekness and lovingkindness which should adorn one of his profession. Like Marston, too, it appears that he opposed and criticised the government, even when administered by so good a Governor as Craven. In a letter from Carolina in 1715, supposed to have been written by George Rodd, Attorney General, the writer declares his surprise that the Lords Proprietors should favor that person (Parson Johnson) with the most valuable place under their donation "that openly & daily affronts and writes against the gov."<sup>1</sup> The letter to the Bishop of London would, no doubt, have been pronounced a libel by either party which for the time happened to be in control, and such, indeed, it was. Smith, or Risbee either, would have summoned the reverend gentleman before the bar of the House, to answer for its aspersions, had it fallen into his hands. There was, nevertheless, a grain of truth in the description of the people. They were "medley or hotch-potch." There were very probably persons of each of the classes described. There was a large leaven of the old Puritan factionousness; and there were without doubt many churchmen whose religion was more a matter of politics and association than of earnest conviction. There were probably many characteristics of a newly formed community of bold, restless, adventurous men, who had thrown off the restraints and decorum of an old society, and had not yet formed another. Deference was not likely one of their common graces. But the people generally were not by any means such as Mr. Johnson in the bitterness of his spirit represented them. There were many earnest Christian men in the colony, Puri-

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. II, 223; *Public Records; Year Book City of Charleston* (Ficken), 1894, 321.





tan as well as churchmen. If, as he complained, some of the churchmen were "so strangely crippled in their goings between the Church and Presbytery," was it to be wondered at when there was no bishop in America to confirm? When Marsden's orders were denied, and Marston was driving the members of the church from its doors, was it surprising that some of them strayed off to the White Meeting? The establishment of the church under the circumstances is strong evidence that there were earnest Christians and faithful churchmen in the colony. There must have been a deep religious sentiment in a people, who, numbering less than 10,000 souls, including men, women, and children, Indians and negroes, bond and free, maintained within two years, as we shall see, from the time Mr. Johnson wrote seventeen ministers.<sup>1</sup>

The religious animosities and strifes in the colony were but the counterpart of those in England at the time. They all, indeed, originated in the mother country. They were not indigenous to the province of Carolina.

Another storm of popular religious passion was just about to burst on the Whigs in England over "a dull and silly sermon" of one Dr. Sacheverell, a High Church divine, for which the Whigs unwisely attempted to impeach the author,—a political blunder as great as that of the Tories in 1704, when they attempted to tack the bill against "occasional conformity" upon a supply bill, necessary for the continuance of the war which was then popular. But political sentiment had now again changed, and an outburst of popular enthusiasm in Sacheverell's favor showed what a storm of hatred had gathered against the Whigs and the war.<sup>2</sup>

<sup>1</sup> Howe's *Hist. Presb. Ch.*, 163.

<sup>2</sup> Green's *Hist. English People*, vol. IV, 97.



## CHAPTER XXI

1710-11

JUST before Governor Johnson's removal, he had been called upon by the Royal Government for a detailed statement of the condition of the province. In answer to this an elaborate and carefully prepared report was made. This paper is of so much value and its account so succinctly given that, following Rivers, we shall not attempt to abbreviate, but will give it in full.<sup>1</sup> The letter is dated the 17th of September, 1708, and is signed by Sir Nathaniel Johnson, Thomas Broughton, Robert Gibbes, George Smith, and Richard Berresford.

"We, the Governor and council," said they, "in obedience to her sacred Majestys command and your Lordships instructions, have carefully inquired into the present circumstances of the province, etc.

"The number of inhabitants in this province of all sorts, are computed to be 9,580 souls; of which there are 1,360 free men, 900 free women, 60 white servant men, 60 white servant women, 1700 white free children, 1,800 negro men slaves, 1,100 women negro slaves, 500 Indian men slaves, 600 Indian women slaves, 1,200 negro children slaves, and 300 Indian children slaves.

"The freemen of this province, by reason of the late sickness brought hither from other parts, though now very healthy, and small supply from other parts, are within these five years last past decreased about 100; free women about 40; white servants, from the aforesaid reasons, and having completed their servitude, are decreased 50; white servant women, for the same reasons, are decreased 30; white children are increased 500; negro men slaves by importation, 500;

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 231.



negro women slaves, 200. Indian men slaves, by reason of our late conquest over the French and Spaniards, and the success of our forces against the Appalaskys and other Indian engagements, are within these five years increased to the number of 400, and the Indian women slaves to 450; negro children to 500, and Indian children to 200.

“The whole number of the militia of this province, 950 white men, fit to bear arms, viz: 2 Regiments of foot, both making up 16 companies, 50 men, one with another, in a company; to which might be added a like number of negro men slaves, the captain of each company being obliged by an act of assembly, to enlist, train up and bring into the field for each white, one able slave armed with a gun or lance, for each man in his company; and the governor's troop of guards, consisting of about forty men; the colonel, lieutenant colonel, captain, cornet, and two exempts, together with nine patrols, ten men in each patrol, to take care of the women and children, in case of an alarm and invasion: French Protestants, and independent company of Santee, consisting of forty-five men, and a patrol of ten men.

“The commodities exported from this province to England, are rice, pitch, tar, buck and doeskins in the hair, and Indian dressed: also, some few furs, as beaver, otter, wildcat, racoon, a little silk, white oak, pike staves and sometimes some other sorts.

“We are sufficiently provided with timber fit for masts and yards of several sizes, both pine and cypress, which may be exported very reasonable, and supplied at all times of the year, there being no frost or snow considerable enough to hinder bringing them down the river.

“Other commodities, not the produce of the place, but brought here from the American islands and exported to England, are logwood braziletto, iustic, cortex, isleathera, tortoiseshell, ambergrease, and cocoa.

“From this province are exported to several of the American islands, as Jamaica, Barbadoes, Antigua, Nevis, St Christopher's, the Virgin's, Montserrat, and the Bahama Islands—staves, hooks and shingles, beef, pork, rice, pitch, tar, green wax, candles made of myrtle berries, tallow and tallow candles, butter, English and Indian peas, and sometimes a small quantity of tanned leather.

“Goods imported from the foregoing islands are, rum, sugar, molasses, cotton, iustic, braziletto, isleathera, ambergrease, tortoiseshell, salt, and pimento; logwood is generally brought from the Bay of Campeachy.





"We are also often furnished with negroes from the American Islands, chiefly from Barbadoes and Jamaica; from whence also comes a considerable quantity of English manufactures, and some prize goods viz. claret, brandy &c, taken from the French and Spaniards.

"We have also commerce with Boston, Rhode Island, Pennsylvania, New York and Virginia: to which place, we export Indian slaves, light deerskins dressed, some tanned leather, pitch, tar, and a small quantity of rice. From France we receive beer, cider, flour, dry codfish and mackerel; and from Virginia some European commodities.

"Further we have a trade to the Madeiras (from whence we receive most of our wines) also to St Thomas and Curaçoa, to which places we send the same commodities as to the other islands, excepting pitch, tar, and rice, lately prohibited, which prohibition is very disadvantageous to the trade in these parts.

"The trade of this province is certainly increased of late years, there being a greater consumption yearly of most commodities imported. And the inhabitants, by a yearly addition of slaves are made the more capable of improving the produce of the colony. Notwithstanding it is our opinion, that the value of our import is greater (if we include our negroes) than our export, by which means it comes to pass that we are very near drained of all our silver and gold coin; nor is there any remedy to prevent this, but by a number of honest laborious persons to come among us, that would consume but little, by which means the produce of the country being increased might in time make our exportation equalize if not exceed our importation.

"That which has been a considerable though unavoidable hindrance to the greater increase of our trade, is the great duty on goods, both imported, and exported, occasioned by the debts, the country is involved in, by the late expedition, in the time of Governor Moore against St Augustine, and the charge in fortifying Charles Town this time of war and danger; to which may very justly be added the late prohibition of pitch, tar, and rice.

"There are not above ten or twelve sail of ships belonging to this province, about half of which number were built here, besides a ship and sloop now on the stocks; neither are there above twenty seafaring men who may be properly accounted settlers or liveis in the province.

"There are not as yet any manufactures settled in the province, saving some particular printers, who for their own use, make a few stuffs of silk and cotton, and a sort of cloth of cotton and wool of their own growth to clothe their slaves.



"All possible precautions are taken by this government to prevent illegal trade, the acts of trade, and navigation being strictly enforced on all occasions.

"And now having answered the several queries stated to us by your lordships, in the best manner we are at present capable of, we humbly crave leave to superadd an account of the Indians our allies, our trade and commerce, with one another and their consumption of our goods, together with the present circumstances of Charles Town, and our new triangular fort and platform at Windmill Point, with an account of what provisions we want, to make them complete fortifications.

"The Indians under the protection of his [her?] majestys government are numerous, and may be of great use in time of invasion. The nations we have trade with are as follows. The Yamassees, situated about 80 to 100 miles south from Charles Town; they consist of about 500 men able to bear arms; they are become great warriors, and are continually annoying the Spaniards, and the Indians their allies.

"To the Southward of the Yamassees are a small nation called Paleachuckles, in number about 80 men. They are settled in a town about 20 miles up the Savannah River, and are very serviceable in furnishing with provisions the Englishmen who go up that river in periangers with a supply of goods for the Indians, and bring skins for them.

"About 150 miles southwest from Charles Town, is settled, on the aforesaid river, a nation of Indians called the Savannahs. They are seated in three towns and consist of about 150 men. A few miles distant on the said River is a considerable town of Indians that deserted the Spaniards, and came with our forces from them about five years past. They are known by the name of Apalachys, and are about 250 men, and behave themselves very submissive to this government. These people are situated very advantageous for trade. Indians seated upwards of 700 miles off are supplied with goods by our white men, who transport them from this river upon Indians backs.

"About 150 miles westward are settled on Oclasee River eleven towns of Indians, consisting of 600 men, among whom are several families of the aforesaid Apalachys. These people are great warriors and hunters, and consume great quantities of English goods.

"About 150 miles west from these people on the Chocta-Kuchy River there is a town of Indians settled for carrying on trade who are very serviceable on that account. These people are seated about



midway between Ochasee River and the settlements of the Tallabousies and the Attalbanees. They have many towns and consist of at least 1300 men, are great warriors, and trade with this government for great quantities of goods.

"About 200 miles from the Tallabousies and the Attalbanees westward, lie the nations of Indians called the Chickysaws, who are at least in number 600 men. These Indians are stout and warlike. They are divided part in the English interest and part in the French. There is a factory settled by those French about four days journey down that river whereon the Tallabousies and Attalbanees live.

"We have but few skins or furs from the Chickysaws, they living so distant it will hardly answer the carriage. Slaves is what we have in exchange for our goods, which these people take from several nations of Indians that live beyond them.

"The Cherokee Indians live about 250 miles northwest from our settlements, on a ridge of mountains; they are a numerous people, but very lazy; they are settled in 60 towns and are at least 500 men. The trade we have with them is inconsiderable, they being but ordinary hunters and less warriors.

"There are several nations of Indians that inhabit to the northward of us; our trade as yet with them is not much, but we are in hopes to improve it very shortly.

"From the aforesaid several nations of Indians are brought and shipped for England, one year with another, at least 50,000 skins; to purchase which requires at least £2500 or £3000 — first cost of goods in England. The goods proper for a trade with the Indians are English cottons, broadcloth of several colors, duffels blue and red, beads of several sorts and sizes, axes, hoes, falcions, small fussee guns, powder, bullets, and small shot.

"St. Augustine, a Spanish garrison being planted to the Southward of us about 100 leagues makes Carolina a frontier to all the English settlements on the main," etc.

Two years subsequent to this report, *i.e.* 1710, the whites in the colony were computed to be 12 of the whole inhabitants; Indian subjects, 66; and negro slaves, 22. Of the whites again, the planters were 70; merchants, about 13; and artisans, 17. With regard to religion, the Episcopal party were 42; the Presbyterians, including the French



who retained their own discipline, 45; the Anabaptists, 10; and the Quakers, 3.

The prices of daily labor in currency of the colony were, — for a tailor, 5s.; a bricklayer, 6s.; a cooper, 4s.; carpenters and joiners from 3s. to 5s.; a laborer, 1s. 3d. to 2s. with food and lodgings. Overseers of planters received from £15 to £40 per annum, and persons engaged to trade with Indians from £20 to £100 per annum.<sup>1</sup>

Taxes were raised for extraordinary purposes from real and personal estate, and generally from imports of wines, liquors, sugar, molasses, flour, biscuits, negro slaves, etc.; dry goods imported paid 3 per cent, and deerskins exported 3d. per skin. The duties amounted to about £4500 per annum, which was then £1000 more than the annual expenses of the government.

The expenses consisted of £1000 for ten Church of England ministers; the same for finishing and repairing fortifications; £600 for officers and soldiers in garrison; £300 for military stores; £250 for the Governor; and £400 for incidental charges. The overplus was intended for sinking bills of credit. These estimates were in currency, and so must be reduced by one-third in estimating their value in good money; and this, calculated upon the present currency, will make the items, probably, nearly as follows: the church, from \$13,000 to \$16,000; fortifications the same; officers and soldiers from \$4000 to \$5000; Governors from \$2500 to \$3000; military stores, \$2000 to \$2500; and incidental charges from \$5000 to \$6000.

The bills just mentioned were first issued for £6000 to pay the expenses of the expedition to St. Augustine in 1703, and bore twelve per cent interest. To offer them in payment was a legal tender, and if refused, the creditor lost his claim for the debt. But such refusal never occurred,

<sup>1</sup> Carroll's *Coll.*, vol. II. 260; *Hist. Sketches* (Rivers), 239.





for the paper was hoarded for the sake of the interest. An addition of several thousand pounds was stamped, and the "old currency" exchanged for the new, which was without interest, for the purpose of drawing the bills more into circulation, and to save the treasury from accumulating demands. Notwithstanding the change, the bills remained at par until the subsequent issue of very large amounts caused their depreciation.<sup>1</sup> There was little coin in circulation; and of the little, various values in colonial paper currency were attached to German, Peruvian, Mexican, French, and Spanish pieces of gold and silver. To prevent the confusion arising from the different rates at which these pieces passed in the different colonies, a uniform value was affixed to them, by a proclamation from the mother country, in the sixth year of Queen Anne's reign. — 1707. Hence the denomination of "proclamation money," the standard of which was £133 6s. 6d. paper currency for £100 sterling.<sup>2</sup>

The commerce between South Carolina and England employed, on an average, twenty-two vessels in 1710. The manufactures and slaves imported were only in part paid for by returns of colonial produce. The balance was required by the merchants in spices and exchange sold in Charles Town at fifty per cent premium, and year after year still higher. But the Carolinians held a monopoly of rice, which was soon raised to four times its former price, and other produce in proportion as the currency depre-

<sup>1</sup> In Governor Glen's *Description of So. Ca.*, he states that in 1710 there was not much English money among the colonists, but that what they had passed at fifty per cent advance, the rate of exchange between South Carolina and England being 2150 currency per £100 sterling.

<sup>2</sup> The difference must be borne in mind between proclamation money and currency. The former was in foreign coins, the value of which was fixed by act of Queen Anne, 1708. The latter was the paper money of the province. See *Statutes*, vol. II, 708, 709.



ciated. The merchants of London began now to become a new and important power near the throne, ever watchful of the embarrassments of Carolina and prompt to complain of the maladministration of the Lords Proprietors.

The planters sowed rice in furrows eighteen inches apart, about a peck to an acre, with a yield of thirty to sixty bushels. It was cleaned by mills turned by horses or oxen. The lands, after a few years' culture, lay fallow and were esteemed excellent pastures. The usual yield of corn to an acre was from eighteen to thirty bushels, with six bushels of Indian peas sown among it. Besides the great herds of cattle owned, as we have seen, by the planters, swine were raised in great numbers. Orchards of peaches and various fruits, forests of acorns, and mild winters rendered Carolina more abundant in stock than any other English colony.

The experience of forty years among an energetic people, observes Rivers, from whom these statistics have been taken, had drawn from forest, field, and stream the same means of subsistence which we now enjoy. All the arts of peace were introduced, and education and religion had become matters of public concern. But wars and pestilence, tempests and inundations, had not spared them; and the noise of political strife, which disturbed the slumbers of their childhood, had now attuned itself to sounds not unpleasant to their ears.<sup>1</sup>

Colonel Edward Tynte was commissioned Governor of North and South Carolina on December 9, 1708, but it was more than a year after that he came out and entered upon his duties. By his commission, he was authorized to appoint a Deputy Governor or Governors in South or North

<sup>1</sup> *Hist. Sketches of So. Ca.*, 239-242; and see Hewatt's *Hist. of So. Ca.*, vol. I, 155-159; Ramsay's *Hist. of So. Ca.*, vol. II, 160; *Statutes of So. Ca.*, vol. II, notes, 708-713.



Carolina. He was authorized, also, to sell lands in fee in either colony at the rate of £20 for every 1000 acres, with a yearly quit-rent of 10s.

By his instructions, his attention was particularly called to the navigation acts, which he was required strictly to enforce. He was to take care that none but natives of the United Kingdom, or born in her Majesty's plantations, should sit upon juries in cases relating to the Queen's duties or forfeitures of goods by illegal importations. He should give notice to her Majesty's government of any attempted disposition of right of property to any other than her Majesty's natural-born subjects: to take care that all places of trusts in courts of law or connected with the treasury should be in the hands of her Majesty's natural-born subjects. These instructions seem aimed at the exclusion of the Huguenots from these positions and from rights of property without the Royal consent.

By additional instructions, his attention was called to a modification of the navigation acts by which, during the war, the number and proportion of English mariners in each ship or vessel was reduced from three-fourths to one-half.

By still further instructions he was required to transmit to the Proprietors for their approval all laws passed. He was given power, with the consent of four or more deputies, to adjourn or dissolve the General Assembly when he might see fit; to fill vacancies in offices caused by death or removal. Abel Ketelby had purchased 5000 acres, which was to be admeasured to him. In the event of the death of the Governor or his departure, the deputies were to choose one out of their number to be Governor until another should be appointed by the Proprietors. He was to take great care that the Indians should not be abused, that justice should be duly admin-





istered to them in the courts; and he was to exert himself to the utmost to create a firm friendship, and to bring them over for the better protection and defence against the enemy and neighboring French and Spaniards. He was to inform himself of what acts were proper to be passed likely to be beneficial to trade. He was to represent the state of the whale fishing and what further encouragement was proper to be given to it. No land exceeding 640 acres was to be sold without a special warrant. The purchase money and quit-rents of all lands thereafter sold in South Carolina was to be of the value of English sterling money, and to be made payable at Charles Town; lands sold in North Carolina to be of the same value, and made payable at Chowan or Bath Town.<sup>1</sup>

The publications of Oldmixon and Archdale about this time drew attention in England to the fortunes of the Carolinians and other colonists in America. Lord Craven, by nature more moderate than the late Palatine, anxious to avail himself of this interest in his colony, charged upon the new Governor as his first duty the pacification of the people. When after a long delay Colonel Tynte had been approved by the Royal Government, and was ready to enter upon his duties, February, 1710, Lord Craven thus addressed him: "We earnestly request your endeavors to reconcile the minds of the inhabitants to each other, that the names of parties, if any yet remain amongst you, may be utterly extinguished. For we can no ways doubt but their prosperity will most effectually render Carolina the most flourishing colony in all America."<sup>2</sup>

No remarkable events occurred during Governor Tynte's

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 154; *Colonial Records of No. Ca.*, vol. I, 704-706.

<sup>2</sup> *Hist. Sketches of So. Ca. (Rivers)*, 248.



short term of office. He died the summer after his arrival. A General Assembly was held in April, 1710, and several acts were passed and approved by him. One of these was an act for regulating taverns and punch houses;<sup>1</sup> another, an additional act in relation to the establishment of the church.<sup>2</sup> By this latter act the arrears of the parochial charges of St. Philip's, Charles Town, and other parishes were directed to be paid out of the public treasury; and, said the act, "the present rector of St. Philip's, Charles Town, the Rev. Mr. Gideon Johnson, having a numerous family, shall have fifty pounds per annum added to his salary for so long a time as he continues minister of the said parish," etc. The sums of money appropriated by the act were to be paid out of the money received for the duties on skins and furs. The most important of the acts of his brief administration, and one which renders that administration illustrious, however brief its duration, was "*An act for the Founding and Erecting a Free school for the use of the Inhabitants of South Carolina.*"<sup>3</sup>

The recital of this act is interesting as showing that even before this time, notwithstanding the political turmoils and commotions which had distracted the province, the erection of a free school had been proposed, and some steps taken towards its establishment. It is as follows: —

"Whereas it is necessary that a Free School be erected for the instruction of the youth of this Province in grammar and other arts and sciences and useful learning, and also in the principles of the christian religion: and whereas several charitable and well disposed christians by their last wills and testaments have given several sums of money for the founding of a freeschool but no person as yet is authorized to take the charge and care of erecting a freeschool according to the in-

<sup>1</sup> *Statutes of So. Car.*, vol. II, 336. The date of this act is given in the statute as of 14th of January, 1709. But this is a manifest mistake. Governor Lytle did not come out till some time after.

<sup>2</sup> *Ibid.*, 338.

<sup>3</sup> *Ibid.*, 342.



tent of the donors, and to receive the said legacies, if tendered, nor to demand the same in case of refusal to pay the same, so that for want of some person or persons or body politick or corporate proper for the lodging the said legacies therein the same are not applied according to the pious and charitable intention of the testators or donors. Be it therefore enacted," etc.

The commissioners appointed under this act were the Hon. Colonel Edward Tynte, Esq., Governor, Colonel Thomas Broughton, Esq., Landgrave Joseph Morton, Mr. William Gibbon, Colonel George Logan, Richard Berresford, Esq., Arthur Middleton, Esq., Captain John Abraham Motte, Colonel Hugh Grange, Ralph Izard, Esq., Lieutenant Colonel Alexander Parris, Esq., Lewis Pasquereau, Dr. Gideon Johnson, Dr. Francis Le Jau, Mr. Alexander Wood, and Nicholas Trott, Esq. These commissioners, comprising the leading men of all parties in the province, churchmen, dissenters, and Huguenots, were incorporated for the better support and maintenance of masters or teachers for the school, and for the erecting of schoolhouses and convenient houses for the accommodation of the masters and teachers. They were to meet annually on the second Tuesday in July to choose officers. Colonel Edward Tynte, Governor, was made the first President and required to summon the first meeting. All gifts or legacies formerly given for the use of a free school for the province were appropriated by the act for the school to be founded under it. The commissioners were authorized to take up by grant from the Proprietors or purchase as much land as they should think necessary. They were given power to appoint a fit person to be master of the school by the name and stile of Præceptor and Teacher of Grammar and other arts and sciences. The person to be master of the school was required to be of the religion of the Church of England,



and conform to the same, and should be capable to teach the learned languages, that is to say, the Latin and Greek tongues and also the useful parts of mathematics. The commissioners were to prescribe such orders, rules, statutes, and ordinances for the order, rule, and good government of the school and of the masters and teachers as should seem meet and convenient to them.

The other acts passed at this time were measures of ordinary administration.

Governor Tynte died soon after, and by the instructions which he had brought it had been provided, as we have just seen, that in such an event the deputies of the Proprietors were to choose one of their number to be Governor until another should be appointed by the Proprietors. It happened that at this time there were but three deputies in the province; to wit, Robert Gibbes, Colonel Thomas Broughton, and one Fortescue Turbeville. The last-named person had just come out as the deputy of the Duke of Beaufort,<sup>1</sup> and had been commissioned also to take probate of wills, and to grant letters of administration.<sup>2</sup> Upon the meeting of these for the purpose of choosing a Governor, there had been a recess taken from the morning until the afternoon, when it was declared that Robert Gibbes was chosen and was proclaimed Governor. Strangely, it happened that Turbeville also died suddenly, and upon his death it was discovered that at the morning session Turbeville had voted for Colonel Broughton, but during the recess had been induced by bribery to change his vote to Gibbes. Upon this Broughton claimed the government, alleging Turbeville's primary and uncorrupted vote in his favor. To this Gibbes would not yield. Each persisted in his claim, and thereupon ensued a most discreditable controversy, ending

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 156.

<sup>2</sup> *Ibid.*, 178.





in riot. Many of the people sided with Broughton, but more with Gibbes. Broughton collected a number of armed men at his plantation and proceeded to the town. Gibbes, learning of this, caused a general alarm to be made and the militia to be called out. At the approach of Broughton's party to the gates of the town Gibbes ordered the drawbridge standing near the intersection of Broad and Church, now Meeting, streets, to be drawn up. Broughton's party demanded admittance. Gibbes from within the walls inquired why they came armed in such numbers, and whether they would own him for their Governor. They answered that they had heard there was an alarm, and were come to make their appearance, but would not own him, Gibbes, to be their Governor. He, of course, denied them entrance, whereupon some rode around the walls towards Craven Bastion seeking entrance there: but failing, soon returned to the drawbridge. In the meantime the Broughton party in the town, some of whom were inhabitants and others sailors ready for any mischief, gathered, and proceeded to force a passage and let down the drawbridge. Gibbes's party opposed, but were not allowed to fire upon them. After some blows and wounds given and received, the sailors and men of Broughton's party in the town succeeded so far as to lower the drawbridge, over which their friends entered and proceeded to the watch-house in Broad Street.<sup>1</sup> There the two town companies of militia were posted under arms and with colors flying. When Broughton's party came near they halted, and one of them attempted to read a paper, but could not be heard because of the noise made by the drums of the militia. Thus balked, they marched towards Granville Bastion and were escorted by the seamen. As they passed in front of the militia, whose guns were

<sup>1</sup> Now the site of the old postoffice.



cocked and presented, one of the sailors, catching at the ensign, tore it off the staff. On this provocation some of the militia fired their pieces, but fortunately no one was hurt. Captain Brewton with drawn sword demanded the torn ensign or flag, which was yielded, but Captain Evans, a considerable man of Broughton's party, soon after Attorney General, rescued it. Broughton's party continued their march for some time and then proclaimed him Governor. Hurrahing, they approached the fort gate of Granville Bastion and made a show of forcing it; but observing Captain Pawley with his pistol cocked, and many other gentlemen with their guns presented, and all forbidding them at their peril to attempt the gate, they retired to a tavern in the bay before which they first caused their written paper or proclamation to be again read. After much altercation and negotiation through the mediation of several peacemakers, a compromise was agreed upon by which the controversy was suspended to await the decision of the Lords Proprietors. In the meantime Gibbes was to continue in the administration of the government.<sup>1</sup>

It was not until January 23d. following (1710-11), that an account of the disputes between Colonel Broughton and Colonel Gibbes was received at a meeting of the Proprietors; upon reading which it was determined that Gibbes had been guilty of bribery, and had not been duly elected Governor. The Proprietors, it appears, had, however, before learning of this trouble, determined to appoint Charles Craven, a brother of the Palatine Governor in the place of Colonel Tynte.<sup>2</sup> Mr. Craven, who

<sup>1</sup> This account is taken from Ramsay's *Hist. of So. Ca.*, vol. I, 533, who gives it upon the authority of an old manuscript in the handwriting of Thomas Lambson, a native of South Carolina, who died in the year 1775, upwards of eighty years of age. See also *Hist. Sketches (Rivers)*, 249.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, 182.



was in Carolina, had already been appointed Secretary of the province.<sup>1</sup> On the 14th of March the Proprietors sent Governor Craven an order declaring that as it appeared to them that Gibbes had been guilty of bribery, it was unanimously resolved that no salary should be paid to him as Governor.<sup>2</sup>

Notwithstanding this action on the part of the Proprietors, Gibbes continued in office, and administered the government until the end of the year. Thoroughly acquainted with the affairs of the province, having been in the colony from its earliest settlement, his administration was marked by wise enactment and the undisturbed prosperity of the people. He was not, however, popular, and found in the Assembly many "unwilling members," who continued "very dilatory for six months"; finally it became impossible to secure a quorum for the transaction of business. Another Assembly was chosen, May, 1711, but many members elected refused to qualify. Upon its assembling, Gibbes expressed his gratification of meeting, before his retirement, those who appeared. In his speech he said "there was one among them to whom he would readily resign the government whenever legally demanded." He rejoiced that they had no complaints to make against him in the various offices in which he had served them, and stated that he had received from the Palatine congratulations on his recent election;<sup>3</sup> for forty-eight years he had been in the service of Carolina, and left it in a flourishing condition, "abounding with trade with almost all parts of America, and most parts of

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, 179.

<sup>2</sup> Dalcho's *Ch. Hist.*, note, 92.

<sup>3</sup> These congratulations must have been sent, however, before the Proprietors had received the account of the manner in which he had secured his election by the deputies. There must have been some mistake as to the length of his service, inasmuch as the colony had not been founded but forty-one years.





Europe in amity with us, and some parts of Africa." He recommended particularly to their attention the introduction of white immigrants on account of the large increase of negroes, who were beginning to exhibit a malicious disposition. He called attention also to the necessity of separating those sick of the smallpox, then prevalent in Charles Town, from contact with such as were not infected.<sup>1</sup>

Several events of interest took place during Gibbes's administration indicative of the growing and improving condition of the people; it was remarkable also, on the other hand, for the further outbreak of Indian hostilities — this time in North Carolina, but soon to be renewed in this province also.

On the 17th of January, 1710-11, upon the application of several merchants representing "the great advantages that might accrue to her Majesty's subjects in general by constituting and erecting a port upon the river called Port Royal in Granville County, being as they alleged the most proper place within the province for ships of great burdens to take in meats, pitch, turpentine, and other naval stores for the use of her Majesty's fleet," the Lords Proprietors gave "directions for the building of a town to be called Beaufort Town," — in honor of the new Proprietor, the Duke of Beaufort, — upon the Port Royal River and island of that name.<sup>2</sup> It was nearly twenty-five

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 250, 251.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 159, 181.

Professor Whitney, in his tract upon the "Government of the Colony of South Carolina" (*Johns Hopkins Univ. Studies*, 13 series, 1-11, 64), says: "The second town of importance was Port Royal where the French had settled under Ribault in 1562, and where the Proprietors had wished the colonists to settle in 1670."

This is very inaccurate. The town was not called "Port Royal," but "Beaufort Town" as mentioned in the text; nor was it laid out upon



years since the destruction, by the Spaniards, of Stuart Town. Lord Cardross's attempted settlement at Port Royal. But in the quarter of a century since, the country had filled up, and it was now deemed prudent to make another effort to establish a town upon that magnificent harbor. This was the foundation of a settlement which became the wealthiest, most aristocratic, and cultivated town of its size in America; a town which, though small in number of inhabitants, produced statesmen, scholars, soldiers, sailors, and divines whose names and whose fame are known throughout the country.

During Governor Tynte's brief administration, an act had been passed, as we have seen, to establish a free school. Under Gibbes's rule, the matter was pressed, and, with the assistance of the Society for the Propagation of the Gospel, the project was carried out. The missionaries of the society and many other gentlemen of the province, to whom the want of schools had been a source of great solicitude, addressed the society upon the subject. They described the deplorable condition of the rising generation for want of sufficient education, and lamented the decay of piety and morals as the inevitable consequence of leaving the young to their own pursuits and to the influence of evil example. The spiritual as well as temporal interests of the people were declared to be at stake, as an uneducated community was but a

the spot where Ribault had settled and left his colony in 1562. "Fort Charles," Ribault's settlement, was on "Parris Island," not on "Port Royal Island." The points are at least five miles apart. See *Hist. Sketches*, Rivers, 25, and note; and Mill's *Atlas of S. C.*

Professor Whitney is also mistaken as to the settlement of the third town, "Georgetown." That town was not settled, as he states, about the same time as Beaufort. It was not settled until nearly twenty years after; nor is Georgetown referred to as Winnyaw. "Prince George's Winnyaw" is the name of the parish, not of the town.



small remove from the habits and feelings of savage life. The society recognized the force of the appeal, and, in the year 1711, they sent out the Rev. William Guy, A.M., who was placed in charge of the school, and who at the same time was appointed assistant minister of St. Philip's Church. Mr. Guy was a native of England, and in Deacon's orders. He was ordained by Dr. Compton, Bishop of London, January 18, 1711. With Mr. Guy, the society sent out also the Rev. Benjamin Dennis, as a schoolmaster for St. James. Goose Creek. Two schools were thus established in 1711.<sup>1</sup>

The congregation of St. Philip's Church had so increased,—despite the parochial troubles with the ministers, Marston and Marsden, and notwithstanding the character given them by Dr. Gideon Johnson in his private correspondence,—that not only was there a necessity for an assistant minister, but it became necessary to build a new church, both because of the decay of the old building and because the church was too small for the population.<sup>2</sup> The preamble to the act for building the church states that several persons were desirous to have a new church built of brick in Charles Town, to be the parish church there, and a tower or steeple and a ring of bells therein, together with a cemetery or churchyard to be enclosed with a brick wall, for the burial of Christian people; and that charitable and well-disposed persons would contribute towards the building a church, if commissioners were authorized and appointed to receive and take care of all such moneys as should be given for the purpose. Whereupon, the Rev. Gideon Johnson, Colonel William Rhett, Colonel Alexander Parris, Messrs. William Gibbons, John Bee, and Jacob Satur were appointed commissioners for the purpose, and for receiving sub-

<sup>1</sup> Dalcho's *Ch. Hist.*, 93-248.

<sup>2</sup> *Ibid.*, 92.



scriptions and charitable donations; they were authorized to purchase and take grants of town lots for the churchyard, and to build the church of such height, dimensions, materials, and form as they should think fit; to enclose the churchyard, and to procure the ring of bells. The pews were to be built by the direction of the commissioners with the advice of the vestry; the Governor's pew to be built as he should direct. This act was merely permissive; no public funds were appropriated for the purpose.<sup>1</sup>

Though Governor Craven's commission had been signed on the 21st of February, 1710-11, and though he appears to have been in the province, he had not assumed the government when, in September following, the outbreak of the Tuscarora Indians took place in North Carolina.

The Proprietors had been in negotiation with Baron Christopher de Graffenried and Lewis Michel for the establishment of a colony from the Swiss canton of Bern; and on the 3d of September, 1709, had given a warrant to De Graffenried for 10,000 acres of land, and to Michel for 3500 acres. Baron de Graffenried they made a Landgrave. The warrant for the survey of the land granted was made to John Lawson, the traveller among the Indians, and author of the work entitled *A New Voyage to Carolina*, from which quotation has been made, and who was now the Surveyor of North Carolina; and Christopher Gale, the Receiver General, was directed to supply the colonists with provisions upon their arrival.<sup>2</sup> In laying out these tracts Lawson encroached upon lands near the Neuse River, claimed by the Tuscarora Indians. It happened, too, that at the time of the arrival of De Graffenried's colony the government of North Carolina was

<sup>1</sup> Dalcho's *Ch. Hist.*, 453, 454; *Statutes of So. Ca.*, vol. II, 352.

<sup>2</sup> *Colonial Records of No. Ca.*, vol. I, 718.





torn by the most violent factions, one led by Edward Moseley, and the other by Thomas Pollock, to which the Proprietors seem to have been as indifferent, if not disinterested, spectators as they were to the struggles in South Carolina between Colleton and Sothell, Morton and Moore, and Gibbes and Broughton. The Baron, courted by both parties as well because of his title as Landgrave and its rights under the Constitutions, as because of the number of his followers, which might hold the balance of parties, ultimately was drawn to the support of Pollock, who was then maintaining the interest of Governor Hyde, against the pretensions of Colonel Cary, a struggle which ended in the latter's rebellion. During these commotions the Indians were made to believe that De Graffenried had come to expel them from their lands; and the Baron and Lawson, unfortunately exposing themselves upon an expedition up the Neuse River to ascertain if it was navigable, were taken, and Lawson was put to death, it is said, in the most inhuman manner. If the information subsequently derived from the Indians be true, they stuck him full of fine, small splinters of torch-wood, like hog's bristles, and set them gradually on fire. Baron de Graffenried was spared from death and ultimately made his escape. This was but the beginning of the trouble. A general uprising took place, ending in the most horrible massacre on the 22d of September, 1711. Twelve hundred Tuscaroras, separated into numerous small divisions, fell upon the whites at the dawn of that day. The slaughter was indiscriminate and horrible enough to make the Indian annals of Albemarle the bloodiest and most cruel. One hundred and thirty victims were butchered in the settlements on the Roanoke. The Swiss around Newbern, to the number of sixty more, were murdered. The Huguenots of Bath, and its vicinity, to what num-



ber is not known, fell under the knife and tomahawk. Women were laid upon the house floors and great stakes were driven through their bodies; from others big with child the infants were ripped out, and hung upon trees; and so hotly did the Indians pursue the survivors that the dead were left unburied, a prey to dogs, wolves, and vultures. The carnage lasted for three days, and terminated at last only from the disability produced in the savages by the combined effect of drunkenness and fatigue.<sup>1</sup>

Governor Hyde at once communicated the terrible condition of affairs in his province to Virginia and to South Carolina. To the latter he sent, without delay, a special messenger, Christopher Gale. Gale, upon his arrival, presented a memorial to Robert Gibbes as Governor, and to the Council and General Assembly. To receive this, Governor Gibbes immediately convened the General Assembly, which met on the 26th of October, when he laid before the Houses the letters which Gale had brought. Upon reading these in the Assembly, it was at once "*Resolved*: That it is the opinion of this House that the inhabitants of North Carolina in their present deplorable circumstances should be aided and assisted by this government." Upon receiving notice of this resolution, the Governor and Council promptly replied: "We are heartily glad that the Resolution of your House is so agreeable to ours & that those good intentions may the sooner be put in execution we desire that you would speedily propose a method to answer the end we aim at, the relief of our poor distressed Brethren of North Carolina." It was determined to raise immediately a sufficient number of warlike Indians with proper officers for this service, and to

<sup>1</sup> *Colonial Records of No. Ca.*, vol. I, Preface, xxx, and 826; Hawks's *Hist. of No. Ca.*, vol. II, 539.



raise the sum of £4000 to provide arms and ammunition and to meet expenses. It was also "*Ordered*: That the offer of the chief Captain of the forces to be raised to march ag<sup>st</sup> the Tusqueroras be made to Jno Barnwell Esqr. which the Speaker having made: The S<sup>d</sup> John Barnwell answered the House that he thanked the House for the offer & that he would accept the same."<sup>1</sup>

Colonel Barnwell set out with all expedition; and the Assembly appointed Friday, the 16th of November, a day of humiliation and prayer in behalf of their distressed neighbors. Colonel Barnwell's command consisted of a small body of militia and several hundred Indians; to wit, 218 Cherokees under the command of Captains Harford and Turstons, 79 Creeks under Captain Hastings, 41 Catawbas under Captain Cantey, and 28 Yamassees under Captain Pierce, which little force immediately entered upon the long and toilsome march through the then wilderness between Charles Town and the Neuse River. Governor Hyde, in the meanwhile, had not been idle and, embodying the militia as far as the deplorable factions — which continued even in this great extremity — would allow, and collecting provisions for their coming allies, he awaited their arrival. As soon as this took place and a junction of their forces was made, Barnwell assumed the aggressive. As the troops of the province approached, the Indians collected all their strength into one body, but retreated as Barnwell advanced upon them. He pursued and came up with them on the 28th of January, 1712, in the upper part of the present County of Craven, North Carolina. Here they had erected on the shores of the Neuse a strong wooden breastwork or palisade fort about twenty miles to the westward of the town of Newbern. Receiving at this place some fresh reinforcements, they marched out

<sup>1</sup> MSS. *Journals*; *Colonial Records of No. Ca.*, vol. I, 820-829.





boldly to give battle to the whites. But Barnwell, without waiting their attack, made a furious assault, and defeated them with great slaughter. More than 300 Indians were killed and 100 were made prisoners; how many were wounded or afterwards died of their wounds was not known. The survivors retreated into their fort and were surrounded by the whites. Barnwell, short of provisions and unwilling to carry the fort by assault, because of the white prisoners the Indians had therein, who would doubtless have been at once dispatched had it been attacked, granted a treaty, and peace was willingly concluded. He sent to Charles Town for a sloop to take home his disabled men and himself, for he too had been wounded, while his Indian allies retraced their line of march homeward.<sup>1</sup>

The news of the battle was a great relief to Governor Hyde and his Council. They ordered a formal vote of thanks, first, to the government of South Carolina, for sending Barnwell and the troops; and secondly, they deputed two of their members to convey the thanks of the board to Barnwell personally, "for his great care diligence and conduct." They next resolved at all hazards to prosecute the war, and proposed to raise 200 men for four months' service to act with the South Carolinians under Barnwell's command.<sup>2</sup>

Thus far, observes Hawks, all seemed prosperous, and Colonel Barnwell appears, on the records of the country, to have possessed the esteem and confidence of the authorities in North Carolina. Tradition, too, in that part of the country, he says, has preserved a most respectful remembrance of the South Carolinian leader. Born near

<sup>1</sup> Hawks's *Hist. of No. Ca.*, vol. II, 537; *Hist. Sketches of So. Ca. (Rivers)*, 254; Hewatt's *Hist. of So. Ca.*, vol. I, 202.

<sup>2</sup> Hawks's *Hist. of No. Ca.*, vol. II, 538.



the spot, Dr. Hawks says that he made inquiries of the most aged of his countrymen in that region, but could hear no disparaging imputation upon Colonel Barnwell's conduct. His name was still honorably preserved in memory by the same Indian fort; the spot where it stood is called to this day "Fort Barnwell." But the truth of history requires him, he says, with honest impartiality to relate that it would seem, from the records of the Council of North Carolina of May 9, 1712, some three months after the battle, that for some cause not specifically mentioned the authorities of the province were not satisfied with Barnwell's conduct.

Dr. Hawks states that he had made diligent search to find from other sources the cause of this altered feeling towards Barnwell, and from letters to Governor Spotswood, Governor Hyde, and Colonel Pollock he had gathered that, in two particulars, his conduct was complained of. First, it was alleged that after the Indians had retreated to their fort and were surrounded by his men, he had them completely in his power, and might, by exterminating them, have put an end to the war; but notwithstanding also that Colonel Mitchell had raised a battery within eleven yards of the fort, and mounted it with two pieces of cannon, surrounding also a portion of the palisade with combustibles, Barnwell, nevertheless, made a treaty with the savages thus beleaguered, and permitted them to escape. Secondly, it was stated that after the treaty he violated good faith by permitting his men to fall upon the towns of those Indians with whom he had made peace, and thus renewed the war.

Dr. Hawks examines very thoroughly these charges, which had been partially accepted, even by our own historian, Professor Rivers, upon the authority of Williamson—an authority which Dr. Hawks refuses, how-



ever, to recognize—and from records not accessible to Rivers in a great measure explains them away. He shows that Governor Spotswood, who charged Barnwell with “clapping up a peace,” knew nothing of the matter personally, and derived his impressions from Governor Hyde and Colonel Pollock, whom Barnwell had offended by an intimacy which had grown up between Moseley and himself. In the bitterness of the factions in North Carolina, it was charged that the Indian outbreak had been instigated by Cary and Moseley. They looked, therefore, upon Barnwell with suspicion and distrust because of his associates, and when the Tuscarora Indians were allowed to escape and very shortly after renewed their hostilities, it was not difficult for them to convince themselves that under Moseley’s influence they had purposely been allowed to do so from sinister motives.<sup>1</sup>

But the recent publication of the manuscript of Baron de Graffenried completely refutes the charges and gives a plain and satisfactory explanation of Colonel Barnwell’s motives for not assaulting the fort when its capture was no longer a matter of doubt. The reason was, as before suggested, that the fort was full of white captives, who cried out that they would be slaughtered if the assault was made. That this simple explanation of a transaction for which Colonel Barnwell was very much blamed by the Pollock faction, says Saunders, in his preface to the *Colonial Records of North Carolina*, comes to us from Switzerland more than a century and half after its occurrence, and not from the Pollock faction, shows with how much caution the statements of that faction must be received. Unfortunately, all the records of that day that have come to us were made by the Pollock faction, and none by their rivals of the Moseley party. It seems,

<sup>1</sup> Hawks’s *Hist. of No. Ca.*, vol. II, 540, 541.



continues Saunders, incredible that Pollock did not know why Barnwell preferred to "clap up a peace" rather than carry the fort by assault; yet he makes no mention of it. Barnwell was on too good terms with Moseley for him to find favor in Pollock's sight. Tradition in and about the locality, it is said, corroborates Dr. Graffenried's statement as to the presence of white captives in the fort.<sup>1</sup>

Dr. Hawks points out, also, that there is something suspicious in the long interval permitted to elapse between the time of the treaty, January, 1712, and the period when the North Carolina Council first noticed the supposed treason, *i.e.* May, 1712. The treaty was no secret during all this period; and it was four months before the Council said a word, and when they did speak, they confessed they had made no examination of the facts, important as they were to the country. They threatened an official complaint to South Carolina, which was to follow if they found Barnwell guilty. No such complaint was ever made.<sup>2</sup> Colonel Barnwell's reputation was so little affected by the factional slander in North Carolina that the second expedition which South Carolina was soon called upon to send would no doubt have been entrusted to him if it were not for the injuries he had received in the first, which rendered him unable to mount his horse.<sup>3</sup>

In the year 1711, still further changes took place in the board of Proprietors. William Lord Craven died, and Sir Fulwar Skipwith was shortly after admitted to the board as guardian to that nobleman's successor, the Lord Craven—then an infant. John Lord Carteret be-

<sup>1</sup> *Colonial Records of No. Ca.*, Preface, xxxi, 955.

<sup>2</sup> Hawks's *Hist. of No. Ca.*, vol. II, 542.

<sup>3</sup> *Hist. Sketches of So. Ca. (Rivers)*, 254, note.





came of age and took his seat. On the 8th of November, 1711, at a meeting at the Duke of Beaufort's house, at which, however, his Grace was not present but was represented by Mr. Manly, upon a motion to proceed to the election of another Palatine in the room of William Lord Craven, deceased, a letter was read from Lord Carteret, proposing the Duke of Beaufort, which was unanimously agreed to, and the Duke became the seventh Palatine of Carolina.<sup>1</sup>

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 183.



## CHAPTER XXII

1712

THE Hon. Charles Craven at length assumed the government, — some time in the early part of the year 1712. Since the days of Joseph West, says Rivers, no man more wise, pure, and capable; or more beloved by the people, had been appointed to govern Carolina.<sup>1</sup> Nothing had yet been heard from Colonel Barnwell since he had set out upon his expedition.

When the Assembly met on the 2d of April,<sup>2</sup> the new Governor in his "speech," as the address upon opening that body was now termed, observed that, having lived some time among them, knowing that the Lords Proprietors had nominated him as Governor, an opportunity had been afforded of diligent inquiry into the state of the province to learn wherein its true interest lay, which none of his predecessors had had at heart more than himself. He recommended them to do everything that might secure the province both from foreign and domestic in-

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 251, 252.

<sup>2</sup> The members of this House of Commons, so worthy of remembrance for its excellent work, were as follows: Colonel William Rhett, Speaker; Colonel Alexander Parris, Henry Wigginon, Esq., Thomas Nunn, Esq., Mr. Manly Williams, Mr. John Morgan, Mr. William Gibbon, Mr. Jacob Eve, Henry Noble, Esq., Captain Benjamin Quelen, Captain Peter Stamer, Mr. John Oldfield, Mr. William Fuller, Captain Arthur Hall, Mr. John Raven, Mr. Samuel Wragg, Mr. Benjamin Gollin, Mr. Jacob Beumer, Captain Lorcey, and Mr. Henroydah English. *Commons Journal* (MS.).



vasion. He urged the repair of Fort Johnson and the fortifications around the town. "'Tis true," he said, "we hear of a treaty of peace going forward, and what may we expect from so good and pious a Queen, whose delight is in her subjects' welfare, but the conclusion is yet uncertain and we are so great a distance that our enemies in the interior may invade us, lay waste our Province before we can receive the benefit of so desirable a blessing."<sup>1</sup> By his instructions, he said, he was ordered to have a particular regard for the Indians, and to protect them from insult; their friendship was so necessary to the well-being of the province he need not press the matter further to the representatives of the people, whose eyes were always open to the public good.

This led him to speak of the expedition to North Carolina, and to express his surprise that in so many months they had no true account of the condition of their friends, their enemies, or even of the army, — none but fabulous reports. Where the fault lay, time only could discover. But as intelligence was the life of action, information must first be obtained before coming to any further resolution upon the subject.

He recommended a review of all the laws passed during the late government, and he was ready to do his part in whatever should be determined by the wisdom of the Assembly. He advised also that some effectual means should be devised of settling funds to discharge the debts of the province, for the honor and dignity of the government, and to maintain the public credit. Then, in reference to the late contentions in the province, he thus spoke: —

"Gentlemen As my own persuasions will ever dispose me to do every thing that may contribute to the prosperity and firm establishment of the Church of England, so will my temper always incline me

<sup>1</sup> *Public Records of So. Ca.*





as a fellow christian to show the greatest tenderness to those who are under the misfortune of dissenting from her, and to do nothing that may seem to endanger them that liberty. It were to be wished indeed that we could all be of one opinion: but that is morally impossible: but in this we may all agree, to live amicably together, consult the common good, the tranquillity of our province and the increase of its trade.

"However great such an honor might be," said he, "yet I shall look on it as a greater glory if with your assistance I could bring to pass so noble designs as the safety of this province, the advancement of its riches, and what is more desirable that unanimity and quiet that will so much contribute toward rendering this the most flourishing colony on the Main. . . . To what a prodigious height hath the united provinces risen in less than a century of years to be able to create fear in some, envy in others and admiration in the whole world."<sup>1</sup>

The anxiety concerning the Indian outbreak in North Carolina was not relieved until the following July, when the news of Colonel Barnwell's success was received, and a sloop sent to bring him and his disabled men home.<sup>2</sup> In the meanwhile the spirit of the Governor's address was highly appreciated and fully responded to.

The Assembly, regardless of factions and animosities, devoted themselves to the welfare of the province, and by their assiduity and ability rendered the year 1712 famous in the legislative annals of the province and State. The South Carolinian lawyer or student of history of to-day finds himself constantly referred back to the statutes of this year as the basis of most subsequent legislation of the State. Governor Craven's wisdom and diligence doubtless aided greatly in this achievement, and without the active support and countenance of so wise and beneficent a ruler it is not at all probable that so great a work could have

<sup>1</sup> MSS. *Journal Commons*; Dalcho's *Ch. Hist.*, 93; *Hist. Sketches of So. Ca. (Rivers)*, 252.

<sup>2</sup> *Hist. Sketches of So. Ca. (Rivers)*, 254.



been accomplished. But the inspiration and labor of the great undertaking was another's. To Chief Justice Trott doubtless is due the credit and honor of the great compilation of laws enacted at this time. However unscrupulous as a politician, corrupt and tyrannical as a judge, Trott was a profound lawyer, a scholar of great learning, and a most laborious and indefatigable worker. Resting for a while from political agitation, he had spent the time in compiling the laws of the province. Fortunately, it happened that so wise and able a man as Craven was now at the head of affairs, ready with his great influence to assist in securing the results of Trott's work by its enactment into laws. The work consisted of three parts: (1) The revision and amendment of several of the most important matters of recent legislation, and the enactment of measures in regard to the better administration of justice; (2) the codification and adoption of so much of the statutory law of England as was suitable to the condition of the province; and (3) the compilation of all previous laws of the colony.

The first measure of Governor Craven's administration was an additional act to those relating to the establishment of religious worship in the province.<sup>1</sup> There was a revision of the previous acts upon the subject, with some new features. The first of these was a provision empowering commissioners to hear and settle all differences concerning the election of ministers. The Church act of 1706 had provided that the rectors or ministers of the several parishes should be chosen by the majority of the inhabitants. This was a very important innovation, as it may be termed, upon the law of England under which the bishop or lay patron had the right of presentation to benefices, and differing from those of the West

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 366.



Indies and other colonies which gave the right to the Governor. It was probably the result of the congregational influence in the colony making itself felt in the establishment of the church, which it could not prevent. But in adopting this provision, in 1706, no method of settling questions which might arise at the election of ministers had been provided. This was now done. If the lay commissioners were not to be allowed to interfere with clergymen in any differences after their installation, they would at least reserve to themselves the right to decide all questions that might arise before ecclesiastical institution. In 1710, under the administration of Gibbes, an act had been passed, as we have seen, for the building of the new brick church at Charles Town, to be the parish church of St. Philip's; provisions were now made for the appointment of commissioners for the purpose.<sup>1</sup> It was in this act of 1712 that we find the recital of the establishment of a provincial library in 1700, and the mention of the deaths of five of the original commissioners. New commissioners are named in the place of the deceased, and times of meeting appointed. That the library was then in active operation is shown by this provision:—

“XXV. Whereas by the said Act (*i.e.* 1700) all the inhabitants of this Province without any exception may have liberty to borrow any book out of the provincial library giving a receipt for the same, which unrestrained liberty hath already proved very prejudicial to the said library, several of the books being lost and others damaged and therefore, for the preservation of the said library it will be necessary to lodge a discretionary power in the person that keeps the same, to deny any person the loan of the book that he shall think will not take care of the same.”

To prevent further loss, the librarian was given a discretionary power in the loan of books. The library was



kept in the parsonage belonging to St. Philip's Church, the minister of which was the librarian.

An important provision of this act was the recognition of the jurisdiction of Dr. Compton, the Lord Bishop of London, and his successors, at least so far that upon the arrival of any minister recommended by his Lordship or by the Society for the Propagation of the Gospel, the salary of such minister, he being chosen the rector or minister of any parish, should begin.

Two very important measures were adopted in relation to schools. The original of the first of these, entitled "*An act for the Encouragement of Learning*," has been, unfortunately, mutilated, — one half of a leaf torn off. The preamble to it, which, however, remains, again refers to the fact that several sums of money had been given by well-disposed persons for building a free school, which could not then conveniently be done; to supply which defect for the present, it was enacted that John Douglass should be master of a grammar school of Charles Town for teaching the Greek and Latin languages, and should choose an usher to assist him "in teaching the languages, reading, English, writing, arithmetick or such parts of the mathematicks as he is capable to teach." It also recited that Mr. Benjamin Dennis, having been sent over by the recommendation of the Society for the Propagation of the Gospel, to be a schoolmaster for the parish of St. James, Goose Creek, had for a considerable time given great satisfaction, and was therefore worthy of consideration, and as, by reason of the neglect of many of his parishioners, sufficient provisions for his maintenance could not be made, which might discourage that honorable society in sending over others, it thereupon provided for Mr. Dennis a salary of £16 a year. As a further

<sup>1</sup> *Statutes of So. Car.*, vol. II, 376.





provision for Mr. Douglass, the schoolmaster in Charles Town, it was provided that he should receive £3 a year for each scholar to whom he taught the Greek and Latin tongue, and a proportional sum for a longer or shorter time, and for every scholar to whom he taught English writing, arithmetic, or any other part of the mathematics, such a sum as should be agreed upon between the master and learner himself or any other in his behalf; two-thirds of the money received should be for the master, John Douglass; the other third part for the usher.

This act was adopted on the 7th of June; but on the 12th of December, with that of 1710, it was repealed, and in their places another and more elaborate measure was enacted. This was entitled "*An act for Founding and Erecting a Free School in Charles Town for the use of the Inhabitants of the Province of South Carolina.*"<sup>1</sup> The same commissioners were reappointed and incorporated under this act as in that of 1710, with the exception of two changes, — Colonel Rhett and the Rev. Robert Maule were substituted for John Abraham Motte, who was dead, and the Rev. Alexander Wood, who had left the province. These commissioners were to meet annually and choose officers, and twice a year or oftener for other purposes. The Hon. Charles Craven was the first President. They were to receive all gifts and legacies appropriated to a free school, and to take up land and build houses for the teachers. John Douglass was to be the first master of the school, "*by the name and stile of Preceptor or Teacher of Grammar and other the Arts and Sciences to be taught in the Free School at Charles Town for the Province of South Carolina.*" The commissioners were empowered upon his death or departure to supply his place. Though Land-

<sup>1</sup> *Statutes of S. C.*, vol. II, 389.



grave Morton, the leading dissenter in the colony, was one of the commissioners, the act provided that the master of the school was to be of the Church of England and to conform to the same. He was to be capable to teach the learned languages, — that is to say, Latin and Greek tongues, — and to catechise and instruct the youth in the principles of the Christian religion as professed in the Church of England. The commissioners were to prescribe rules for the government of the school. Any person giving £20 might nominate one scholar to be taught free for five years. It was provided that in consideration of the schoolmaster's being allowed the use of the lands and dwelling-houses, and the salary of £100 per annum, twelve scholars should be taught free, besides one for any person contributing £20. For any other scholar the master was to be paid at the rate of £4 current money per annum. If the number of scholars became more than one man could well manage, the commissioners might appoint an usher at a salary not exceeding £50 per annum, and 30s. for every scholar under his charge besides the free scholars. And because, said the act, it is necessary to give encouragement to a fit person who will undertake to teach the youth of the province to write, and also the principles of vulgar arithmetic and merchant's accounts, it was provided that a fit person should be appointed to teach those branches, and also the art of navigation and surveying and other useful and practical parts of the mathematics, and for his encouragement was to be paid at the same rate as the usher. Schools might also be established in each of the other parishes, the schoolmasters of which were to have £10 per annum, and £12 current money were allowed for the building of a parish school.

Another most important measure of this time was the pas-



sage of "*An act for the more effectual preventing the spreading of contagious distempers.*"<sup>1</sup> In 1698 an act had forbidden vessels to pass to the east of Sullivan's Island one mile, under penalty of being fired on by the gunner and paying a fine, and the pilot was required to ascertain from the captain if any contagious disorders were on board, under penalty of £50.<sup>2</sup> This subject was now again taken up, and in the act mentioned a quarantine law was put in operation. A health officer was appointed, one Gilbert Guttery, who was empowered and required to board all vessels as soon as they came over the bar of Charles Town, and to make strict inquiry into the health of the place from which such vessel last came, and of all persons on board, and of the causes of death of any who had died during the voyage. He was empowered to send any person on board ashore to the pest-house on Sullivan's Island; and in case of death by malignant disorders having occurred during the voyage, to order the vessel to lie off Sullivan's Island for twenty days. The act was confined to the port of Charles Town, but the Governor might extend its provisions to other ports.

"*An act for the better observation of the Lord's Day, commonly called Sunday,*"<sup>3</sup> illustrates the influence of the puritanical spirit of the times, even upon the people of the Church of England in Carolina. "Whereas," it said, "there is nothing more acceptable to God than the true and sincere service and worship of him, according to his holy will, and that the holy keeping of the Lord's Day

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 382.

Quarantine measures were first adopted in America as follows: Massachusetts in 1648, South Carolina in 1698, Pennsylvania in 1699, Rhode Island in 1711, New Hampshire in 1714, and New York in 1745. Supplement to *Encyclopedia Britannica*, title "Quarantine."

<sup>2</sup> *Ibid.*, 152.

<sup>3</sup> *Ibid.*, 396.





is a principal part of the true service of God which in many places of the Province is so much prophaned and neglected by disorderly persons," it was therefore enacted that all persons whatsoever should on every Lord's Day apply themselves to the observation of the same, by exercising themselves thereon in the duties of piety and true religion, publicly and privately; and, having no reasonable or lawful excuse, should resort to their parish church or some meeting or assembly of religious worship allowed by the laws of the province, and there abide orderly and soberly during the time of prayer and preaching on pain and forfeiture for every neglect the sum of five shillings current money of the province. No tradesman, artificer, workman, laborer, or other person should do any worldly labor or work of the ordinary callings upon that day (works of necessity or charity only excepted), under a like forfeiture. Goods publicly sold on Sunday were forfeited. No person was allowed to travel on Sunday by land or by water except it be to go to the place of worship and to return again, or to visit and relieve the sick, or unless belated the night before, and then to travel no further than to some convenient inn or place of shelter for that day, or upon some extraordinary occasion, for which a person should be allowed to do so under the hand of some Justice of the Peace. No sports or pastimes were allowed. No public house was allowed to entertain any guests on the Lord's Day except lodgers or strangers. For the better keeping of good order, the churchwardens and constables were required once in the forenoon and once in the afternoon, in time of divine service, to walk through the town and to suppress all offences against the act. If any master or overseer should cause or encourage a servant or slave to work on the Lord's Day, he should forfeit the sum of five shillings for every offence. Nothing



in the act, however, was to extend to the prohibiting of dressing of meats in families or public houses, nor to the buying and selling of milk before nine o'clock in the morning, or after four o'clock in the afternoon.

Two important measures in regard to the administration of justice were enacted. One was "*An act for settling the titles of the inhabitants of this Province to their possessions in their estates within the same, and for limitations of actions, and for avoiding suits at law.*"<sup>1</sup> By this act all possessions or titles to lands for seven years without lawful interruption were made good against all claims whatsoever, and the times for bringing actions of all kinds were limited. The other was "*An act for the better securing the payment of debts due from any person inhabiting and residing beyond the sea or elsewhere without the limits of this Province,*" etc.<sup>2</sup> This act, known as the *Foreign Attachment Act*, was a revision of the first act upon the subject passed in 1691 under Sothell's administration, and provided means of seizing an absent or absconding debtor's property, and subjecting it to the payment of creditors. It remained the law upon the subject until the adoption of the new code of procedure in 1872.

The poor laws of the province were revised and remodelled. The vestries of the several parishes were empowered yearly to nominate two or more overseers, who, with the wardens of the parishes, were charged with the ordering and relieving of the poor, out of such money and fines as should be given for their use, which, if not sufficient, was to be supplied by assessments, which the vestries were authorized to make. The main features of this act were taken from the English poor laws.<sup>3</sup>

Another very important measure was "*An act for ap-*

<sup>1</sup> *Statutes of So. Cya.*, vol. II, 583.

<sup>2</sup> *Ibid.*, 588.

<sup>3</sup> *Ibid.*, 592-606.



*pointing an agent to solicit the affairs of this Province in the Kingdom of Great Britain."*<sup>1</sup> By this act the important policy which prevailed in most of the colonies of maintaining an agent in London to watch and guard the interests of the province before the Proprietors and the Board of Trade was adopted in Carolina; and the agency thus established became of great consequence in the subsequent history of the province, especially during the approaching revolution, and continued scarcely less so under the Royal Government after the overthrow of that of the Proprietors.

The Board of Trade in England were pressing more and more the enforcement of the navigation laws in the colonies, and especially in Carolina, and watching for infringements of them as causes upon which could be based a forfeiture of the charter. Rice and naval stores, the principal exports of the colony, were among the enumerated articles which were forbidden to be shipped for sale except to England. On the other hand, bounties were offered to the importers of pitch, tar, turpentine, and other naval stores. It was deemed of great importance therefore to have an agent in England to watch the interests of the colony, to procure a continuance of the bounty, and, if possible, to procure also permission for Carolina to export naval stores and rice to Spain, Portugal, Africa, and other places in America and the West India Islands. By this act the Hon. Abel Kethellby,<sup>2</sup> of the Inner Temple, who had been made a Landgrave, was appointed agent. His instructions were to procure first the continuance of the bounty, and so earnest was the Assembly in regard to this matter, that he was charged not to let his solicitation for a free exportation of rice interfere with the bounty on the naval stores. A committee, consisting of Charles

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 690.

<sup>2</sup> This name is so spelled in this statute. Elsewhere it is spelled Kettleby.



Hart, Arthur Middleton, and Samuel Eveleigh, Esqs., Mr. William Gibbons, and Henry Wigginton, Esq., was appointed to put the act into execution, and to correspond with the agent from time to time, sending him instructions. The agent was to be paid £150 current money as an encouragement to undertake the agency, and £150 more as soon as an act of Parliament should be passed for a longer continuance of the bounty to the importers of naval stores to England from this province. He was to receive £500 as soon as an act of Parliament should be passed permitting a free exportation of rice from the province to Spain, Portugal, and all places in Africa and America, both continent and islands, and a proportional sum for as many of these places to which he could procure an allowance of such exportation. Two years after, the allowance of the agent was made £200 currency annually, and the committee of correspondence was reduced to three, — Hon. Samuel Eveleigh, Colonel William Rhett, and Arthur Middleton, Esq.

It will be remembered that during Governor Ludwell's administration the Proprietors had disallowed the enactment of a *habeas corpus* act upon the ground that it was not necessary to reënact any statute of England, as such statute applied to this colony *proprio vigore* under the charter.<sup>1</sup> That theory was now abandoned, and under Craven the *habeas corpus* act of King Charles the Second was formally reënacted.<sup>2</sup> Then followed the adoption of Trott's great work, — a general codification of the English statutes, applicable to the condition of the new country, and a compilation of all colonial acts then in force.

This was for the time a stupendous work. There had been before this several instances of compilation of colonial statutes in other provinces, a brief mention of which

<sup>1</sup> *Ante*, p. 247.

<sup>2</sup> *Statutes of So. Ca.*, vol. II, 399.





in this connection will not be without interest here.<sup>1</sup> In Massachusetts, Nathan Ward had compiled the perpetual laws enacted by the General Court as early as 1641. His work was entitled the "Body of Liberties," sometimes called "Liberties," or "Book of Liberties." There were also several revisions by the Plymouth Colony General Court—1636, 1658, and 1671. In Virginia, the laws in force in 1662 were collected out of the Assembly Records, digested into one volume, and revised and confirmed by the General Assembly, and in 1684 a complete collection of all the laws in force, with an Alphabetical Table annexed, was made. In 1673 was published the book of General Laws for the people within the jurisdiction of Connecticut, collected out of the Records of the General Court, then lately revised with emendations and additions established and published by the General Court of Connecticut holden at Hartford in October, 1672. In New York there had been a collection of the laws from 1691 to 1694, and in 1710 the laws as they were enacted by the Governor's Council and General Assembly from 1691 to 1709 were compiled and published. Following Trott's collection of the laws of South Carolina in 1712, which we are now considering, the laws of Pennsylvania, collected into one volume, were published by the order of the Governor and Assembly of the province in 1714; there was a collation of the laws of New Hampshire in 1716; and a partial collection of the laws of New Jersey was made in 1717. These works were all compilations, or collations as they were sometimes termed, of the colonial

<sup>1</sup> These instances are compiled from *The Charlemagne Tower Collection of Colonial Laws*, Historical Society of Pennsylvania, 1890. The author is also indebted for information upon this subject to Hon. Oliver Wendell Holmes of the Supreme Judicial Court of Massachusetts, to Mr. W. P. Upham, Newtonville, Mass., and to Mr. William Brook-Rawle of Philadelphia, Pa.



statutes and laws in force in the respective provinces at the time of their collection, and were made either by private individuals or by enactments of the colonial legislatures. And such was a part of Trott's work—that relating to the compilation of the laws of the province; but far the most important was the codification of the English statutes, to which we can find no other like and contemporaneous work in America. This work was more than a compilation. It was a codification embodied in a single act. The act was entitled "*An act to put in force in this Province the several statutes of the Kingdom of England or South Britain therein particularly mentioned.*"<sup>1</sup> It comprised an actual revision of the whole body of the statutory law of England, and the selection from it of such statutes not only as were then applicable to the condition of the colony at the time, but which would become so on its further development. The statutes selected, and modified when needful, were one hundred and sixty-seven in number, covering one hundred and eighty pages royal octavo of the second volume of the Statutes at Large. Strange to say, the preamble to this most important act, which is unusually brief, gives no intimation of the magnitude of the measure and assigns the most inadequate reasons for its enactment. The occasion for the act stated is that "many statute laws of the Kingdom of England or South Britain by reason of the different way of agriculture and the differing production of the earth of this Province from that of England are altogether useless, and many others (which otherwise are very apt and good) either by reason of their limitation to particular places or because in themselves they are only executive by such nominal offices as are not in nor suitable for the constitution of this government are thereby

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 401.



become impracticable here." With this very unsatisfactory explanation of the occasion of the work, the act provided that the statutes or parts of statutes of the kingdom of England enumerated in an elaborate table annexed, consisting of statutes from the time of the great charter in the ninth year of King Henry the Third, which was itself specifically mentioned, to the eighth year of Queen Anne, should be of the same force in the province as if they had been enacted in the same. The text of the enumerated statutes was given in full and included in the enactment. It was also provided in the same act that all and every part of the common law of England, when the same was not altered by the enumerated acts or inconsistent with the particular constitutions and customs and laws of the province, and excepting such as had relation to ancient tenures which were taken away by acts of Parliament of 12 Charles II, c. 24, doing away with the court of Wards and Liveries and Tenures *in capite* and by knight's service, was to be of full force in the province. There was also excepted that part of the common law which related to matters ecclesiastical which were inconsistent with or repugnant to the settlement of the Church of England in the province as there established. The Governor with his Council were constituted a Court of Chancery, with the same powers as those exercised by the Lord Chancellor, or Lord Keeper of the Great Seal of Great Britain, in England. The Courts of Record in the province were to have the powers of the King's or Queen's courts. All the statute laws of England not enumerated in the act (such only excepted which related to her Majesty's customs and acts of trade and navigation) were declared impracticable. It was provided that nothing in these acts should be construed to take away or abridge the liberty of conscience, or any other liberty in





matters ecclesiastical, from any of the inhabitants of the province, but that the same should still be enjoyed according to the powers and privileges granted to the true and absolute Lords Proprietors by their charter from the Crown, and the several acts of Assembly of the province then in force.

A remarkable circumstance in connection with this act is the undue haste in which a measure of such great importance was hurried through the legislature. It appears by the journal that it was read in the Assembly for the first time on Wednesday, the 26th of November, 1712, and immediately passed by that body with some amendments. It is not mentioned by whom this act was introduced. It was sent at once to the Governor and Council. That body hesitated to act so inconsiderately upon so grave and important a measure, and returned it with a message on the 28th, saying : —

“ We take it to be a bill of that consequence that it will require your, as well as our diligent care to overlook all the statutes, that we may know whether all or any part of them are adapted to the nature and constitution of the government of the province. We give to you as our advice and opinion that the best way for both Houses to be satisfied in a case of this consequence will be to commit the bill to a committee of both Houses to examine the said statutes in which we shall readily join with you in appointing a committee to join a committee of yours.” This suggestion of the Governor and Council was at first accepted by the House, and a committee appointed to examine the bill and the several English statutes with instructions to report at the next session of the General Assembly; or if in case that Assembly should sit no more, the committee were to report to the next sitting of the succeeding General Assembly. What occurred to change this course of proceeding, and to demand im-



mediate action upon the bill, is not disclosed in the journal, nor is there any other contemporaneous statement. The entries in the journal merely show that the bill was read a second time on December 5th, and a third time on the 11th, and that it was ratified on the 12th. The committee probably shrank from so arduous a labor as the revision of these statutes, or perhaps felt themselves incompetent to the task, and determined to accept Trott's work as it stood. It is, perhaps, after all as well that they did so. Their crude attempts to amend may have rather marred than improved a compilation which has remained the groundwork of all subsequent general legislation in South Carolina for nearly two centuries.

There had as yet been no collection of the statutory laws of the province, as had been made in Massachusetts, Connecticut, and Virginia. This want Chief Justice Trott now also supplied. He made a collection of all the statutory enactments he could find, and had them "digested into an exact and easy method," and "a double transcript of the same, with marginal notes, references, and tables, fitted for the press." This work was laid before the General Assembly, approved and adopted by it, and Trott was allowed £250 for his copy. It was also enacted "that the body of the Laws of this Province, being collected by the said Nicholas Trott, shall be forthwith transmitted, either to London, New Yorke, or Boston in New England, there to have four hundred books of the Laws printed and bound, at the charge of the publick and to be paid out of the publick Treasury of the Province, and to be transmitted at the risque of the publick." Further, it was provided "that the said book of the Laws when printed as aforesaid be and shall be taken deemed and held a good and lawful Statute Book of this Province in all Courts and upon all occasions whatsoever as the Statute Book of



the Laws of Great Britain is deemed held and taken in that kingdom," etc.<sup>1</sup> Owing, probably, to the financial difficulties of the province, the Indian wars, the troubles with the pirates, and to the revolution which soon took place, overthrowing the Proprietary Government, which revolution was brought about curiously enough in a great measure by his own tyrannical and corrupt conduct, the publication of Trott's collection was not made for more than twenty years after. The manuscript volume, however, now in the Secretary of State's office in Columbia, remains a monument to his patient industry and ability. It was not printed until 1736.

Instead of the crude, fanciful, and extravagant Constitutions of Shaftesbury and Locke, Craven and Trott had now substituted a well-digested and tried system of law suited to the condition of the people of the colony, and fulfilling the requirement of the charter that the laws of the province should be as near as conveniently might be to the laws and customs of England.

It was, however, during this year that the unfortunate experiment was made of establishing a public bank. In 1702, in order to pay the expenses occasioned by the expedition to St. Augustine, the Assembly authorized the issue of stamped bills of credit to be sunk in three years by a duty on liquors, skins, and furs. This was the first paper money that appeared in the province, and was the origin of *current money* mentioned in various acts of Assembly, and of what was called *old currency* to the end of the Royal Government. It was denominated current money to distinguish it from sterling money of England, very little of which was ever in circulation, the balance of trade being always in favor of the mother country.

The credit of this currency was at first equal to sterling

<sup>1</sup> *Statutes of So. Car.*, vol. II, 602.



and so continued for about six years, but afterwards depreciated. The necessities of the government continually increasing, requiring fresh supplies of a medium of value for circulation to defray the expenses incurred by the Indian and Spanish wars and other exigencies of the colony, succeeding emissions of bills of credit took place. The first emissions were £4000 in 1706.<sup>1</sup> and £8000 in 1707.<sup>2</sup> But in 1712 a new and plausible project was adopted, which, however, contrary to the expectations of its friends, diminished the value of the bills. Interest was then ten per cent, and lands were increasing in value from the successful culture of rice. These circumstances suggested the idea of a land bank as an easy and practicable mode of obtaining money, and of supporting the credit of paper. The enormous issue of £52,000 was made in bills of credit, called bank bills, to be loaned out at interest to such of the inhabitants as could give the requisite security and agreed to pay interest annually in addition to the twelfth part of the principal. This paper currency might be legally tendered in payment of debts. On their emission the rate of exchange and the price of produce quickly increased. In the first year it advanced to 150 and in the second year to 200 per cent. A further depreciation resulted from a further emission of £15,000 by the Assembly in 1716 to assist in defraying the expenses of the Yamasse war. In ten years after the bank was established, — 1722, — it was fixed by law at four for one.<sup>3</sup> This bank act excited the remonstrance of the London merchants, and the Proprietors severely censured Governor Craven for its enactment.<sup>4</sup>

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 274.

<sup>2</sup> *Ibid.*, 302.

<sup>3</sup> *Ibid.*, 389, note, 711; Introduction to Brevard's *Digest*, xi; Ramsay's *Hist. of So. Ca.*, vol. II, 162.

<sup>4</sup> *Hist. Sketches of So. Ca. (Rivers)*, 257; Hewatt's *Hist. of So. Ca.*, vol. I, 207.





## CHAPTER XXIII

1713-16

IMMEDIATELY upon Colonel Barnwell's return, the Indians in North Carolina resumed hostilities with greater rage and more atrocious cruelties. The Governor of that province again appealed to Virginia and South Carolina for assistance.<sup>1</sup> Another expedition was quickly organized, and, as before stated, the command would doubtless have been given to Colonel Barnwell, but he was still disabled by his wounds.<sup>2</sup> In his absence, it was entrusted to Colonel James Moore, son of the late Governor of that name, who had been a famous Indian fighter. The forces of the new expedition were ordered to rendezvous at the Congaree, and Governor Craven went up to inspect their equipment and to encourage them. Colonel Moore advanced with 40 white men and about 800 Indians, and after a toilsome march arrived on the Neuse. Governor Pollock of North Carolina had, in the meanwhile, been gaining time by negotiations with the Indian chief, Tom Blount. About the middle of January, 1713, Colonel Moore advanced upon the enemy, but was detained by a heavy fall of snow until the 4th of February. The Indians had built a fort near the village of Snow Hill, the seat of Greene County, which they called Nahucke. Into this, on Moore's approach, they retired, and on the 20th of March he laid

<sup>1</sup> Hawks's *Hist. of No. Ca.*, vol. II, 544.

<sup>2</sup> *Hist. Sketches of So. Ca. (Rivers)*, 254, note.



siege to the place, and in a few days became master of it. A large number of the Indians were killed, and 800 prisoners fell into the hands of the conquerors. Moore lost but 58 men, of whom 36 were Indians. The South Carolina Indians, acting precisely as they had done under Barnwell in the previous expedition, secured as many slaves among the captured as they could, and forthwith set out for Charles Town, but 180 remained with Moore. Small as was this force, Moore, in conference with Pollock, determined to keep it in the settlement, and to follow up the blow with another. But the enemy were too much intimidated to afford an opportunity. Such as escaped from Nahucke fled to another fort about forty miles distant, but did not dare to await there Moore's approach. They abandoned the fort. The greater part of them ascended the Roanoke, and finally, leaving the province, joined the Five Nations of the Iroquois in New York, thenceforth making the Sixth.

There seems to have been some fatality attending the position of Palatine of Carolina. Since the long presidency of Earl Craven, from 1681 to 1697, during the seventeen years which had elapsed, *i.e.* from 1697 to 1714, there had been four Palatines, — Earl of Bath, Lord Granville, Lord Craven, and the Duke of Beaufort, each of whom died in office. The Duke of Beaufort had been Palatine but three years, when, on the 5th of July, 1714, his death was announced, and John Lord Carteret, grandson of Sir George Carteret, the first Proprietor of that name, was chosen to succeed him.<sup>1</sup> This was the statesman afterwards celebrated as the Earl of Granville, to which title he succeeded upon the death of his mother, Lady Grace Granville, the daughter of John Granville of Bath, who had been Palatine from 1697 to 1702. Lord Carteret

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I. 186.



was at this time but twenty-four years of age; but on the threshold of his brilliant career.<sup>1</sup> He was to be the last Palatine of Carolina.

The announcement of the death of Duke of Beaufort, the Palatine, was followed soon after by that of the death of Queen Anne, which took place on the 1st of August, 1714. On the 4th of September, the Lords Proprietors sent out orders for the proclamation of King George I.<sup>2</sup> The Proprietary Government under the charter had begun very nearly with the restoration of the House of Stuart; it was to outlast the rule of that race by but a few years. Queen Anne and her war were no more. Peace had been established in Europe. The proclamation of the new King and the oath of allegiance were not made, says Rivers, with the indifference formerly so remarkable in the colony, but with the ardor of those almost in sight of their monarch from whom they looked for relief and happiness. Indeed, says that author, in their warmth of loyalty they forgot the rules of climax. "We, a people," said they, "separated by the immense ocean, can't be blessed with your royal presence. But, like the sun who sheds his glorious beams on all, we may feel the favorable influence of your government. Like Augustus, may your reign be long in peace; may you be loved at home and feared abroad; and when Providence calls you from that earthly diadem that now environs your royal

<sup>1</sup> "Lord Granville, they say, is dying. When he dies the ablest head in England dies too, take him for all in all." — *Chesterfield to his Son*, December 13, 1702. Walpole pronounced him to be a greater genius than Sir R. Walpole, Mansfield, or Chatham. — *Memoirs of George II.* III, 85. "I feel a pride," said Chatham, "in declaring that to his patronage, to his friendship and instruction I owe whatever I am." — *Park. Hist.*, XVI, 1097. See "Sketch of his Character," by Lecky, *England in the Eighteenth Century*, vol. I, 406.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 186.



head may there never be wanting, even to latest posterity, one of the illustrious House of Hanover to fill the British throne."<sup>1</sup>

Events were fast hurrying on the colonists of Carolina to appeal to the protection of the new King from the foes against whom the Lords Proprietors could afford them no assistance, and forcing them to ask to be taken under the direct care and rule of his own Royal Government. The Indian outbreak in North Carolina had been suppressed ; but an uprising soon followed in this colony which carried its desolation and horrors almost to the gates of the town.

Chief Justice Trott was in England at this time. Upon the completion of his work upon the codification of the laws of the province, he had applied to the Lords Proprietors for leave of absence for his affairs in Great Britain, and on the 13th of August, 1713, leave was granted him, his commission and salary to continue during his absence ; the Governor and Council were to appoint some one to act in his place in the meanwhile.<sup>2</sup> He does not appear to have immediately availed himself of the leave, and it was not until the next year that we find him in London. There he soon thoroughly ingratiated himself with the Proprietors, attained the most complete ascendancy over them, and obtained from them the most extraordinary grant of powers — powers greater, indeed, than those of the Governor himself, and this notwithstanding that the Proprietors had at this time so excellent a Governor in Carolina as Craven. On the day on which they ordered the proclamation of his Majesty King George, the 8th of September, 1714, they issued orders making Nicholas Trott a member of the Council, without whose presence there

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 256 ; *Commons Journals*.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 162.





should be no quorum for the transaction of business, and without whose consent practically no law should be passed. He was to be consulted by their Lordships upon every proposed measure, and on his part he agreed to carry on a regular correspondence with their Secretary, and to give him the best intelligence with respect to their provincial affairs. They added to the power, dignity, and emoluments of the office of Chief Justice. They empowered him to make his own Provost Marshal of the court; increased his salary to £100 per annum, and gave him £100 for proclaiming the King; ordered an official costume for him, as Chief Justice, and twenty constable's staves to be prepared, with the King's arms on the top and the arms of the province underneath. They ordered two transcripts of his compilation of laws to be made, one to be forwarded to them and one to remain in his hands, for which the Treasurer of the province was to pay £80. Sir John Colleton appointed him his deputy, and the Proprietors at the same time appointed his son-in-law, William Rhett, then Speaker of the Assembly, Receiver General.<sup>1</sup>

Armed with these great powers, Trott returned to Carolina. The Governor, Council, and Assembly could not believe that the Proprietors had been guilty of such a piece of folly and tyranny as to ordain that thenceforth the Governor and four councillors should not have power to pass laws unless Trott was one of the quorum! They required that Mr. Trott should produce the strange letter, and it was accordingly read to them. "A power in one man," said Craven, "not heard of before!" "An exorbitant power," replied the Assembly, "unheard of in any of the British dominions, for aught we know in the

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I. 162-186; Hewatt's *Hist. of So. Ca.*, vol. I, 209; *Hist. Sketches of So. Ca. (Rivers)*, 256.



whole world!" Mr. Speaker Rhett dissented to the address of the Assembly to the Governor upon the subject, which contained the expression of a hope that Craven would not resign because of the want of confidence the Lords Proprietors indicated. The Assembly refused to allow the dissent to be entered in the journal. "We can't but admire," they said to the Governor, "that any person acquainted with your acceptable administration should be so forsaken of all divine influences — should so abandon his reason, so diametrically contradict the common sense and the unquestionable experience of the more general sentiments of the whole province as to attempt unjustly to misrepresent your Honor to the Lords Proprietors."<sup>1</sup>

Mr. Joseph Boone, who, it is to be supposed, had in some way purged his contempt of the House in the matter of his libel upon Governor Johnson, was now sent back to England to protest against this extraordinary grant of power to Trott, and with him was sent Mr. Richard Berresford, a churchman. They were not only to protest to the Proprietors against the veto power of Trott and his appointment at will of Provost Marshals, but to endeavor also to obtain redress in several other matters. They were to obtain, if possible, some measures for settling the price of lands on a lasting foundation; for the allowance of the bank act; to secure Craven's continuance in office: to secure the printing of the laws of the province; the allowance of County Courts in every county; leave for laying out Beaufort in lots at the disposal of the Governor; they were given discretionary authority to confer upon any other matter. Their instructions concluded with this significant clause: "And in case the proprietors do not redress our grievances after all necessary measures have been taken with them, we

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 258.



direct you to apply yourselves to a superior power in order that the same may be redressed."<sup>1</sup>

And now there was to fall upon the province a most terrible calamity. Some years before the Yamassees had deserted the Spaniards who had executed some of their chiefs, and, with apparent implacable hatred against their former friends, removed to South Carolina to the territory lying near Port Royal. During the whole of Queen Anne's war they were the allies of the Carolinians, and in revenge for their own wrongs, marauding bands continually went forth to the southward to lurk in the woods near St. Augustine, or make midnight attacks upon unguarded houses. The honor of the party was at stake, they considered, if they returned without scalps, Indian slaves, or Spanish captives whom they afterwards put to death with every revolting circumstance of inhumanity and savage torture. While availing themselves of the alliance of these Indians, endeavoring at the same time to check their barbarities, the Carolinians offered them a reward of five pounds for every Spanish prisoner brought unharmed to Charles Town, whom they returned in safety to their friends upon the payment of their ransom.

But on the other hand, the regulations in regard to the Indian trade had not been properly enforced during Queen Anne's war, and there had doubtless been abuses which the commissioner on the reëstablishment of peace had endeavored to remedy and restrain. Besides occasional encroachments on their lands, the abuses consisted in fraudulent transactions in buying skins and captives, the seizure of Indian property on pretence of debt, and the demand of exorbitant prices of articles of traffic—contraband rum included, the wrongful detention in bondage of many who claimed to be free, personal ill treatment, immorality, and

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 258; *MSS. Journals*.



the instigation of feuds. The nature of many abuses, and the reluctance of the Indians in seeking a formal trial before commissioners perhaps hundreds of miles away, rendered impossible the satisfactory adjustment of difficulties however wise the laws might be that made to that end; while on the other hand, anxiety on account of debts justly due, retaliation for injuries, cherished enmities, and a thirst for bloody revenge had not wholly ceased to exist at any period throughout a long series of years. Whatever were the grievances of the Yamassees, it was evident they had been encouraged by the intrigues of the Spaniards; for on the day they began their outbreak against the English, they sent all their women and children to St. Augustine for protection, and on their defeat, retreated thither themselves with scalps and plunder, and were received as in triumph with the ringing of bells and salutes of artillery.<sup>1</sup>

For some time before the outbreak, it had been noticed that the chief warriors of the Yamassees made frequent visits to St. Augustine, and returned with presents of hats and jackets, and with knives, hatchets, firearms, and ammunition.<sup>2</sup> They partook of food with the Governor, and renewed by ceremonies their friendship and allegiance. Yet so sure were the Carolinians of the antipathy of the whole Yamassee nation to the Spaniards, that they anticipated no danger to themselves.

It was customary for the traders to court the favor of some influential chieftain among the Indians, with whom in some instances, savages though they were, no danger, difficulty, or personal sacrifice could weaken the holy claims of friendship. One of these, Sanute, had become the friend of John Fraser, a Scotch Highlander, who lived and traded among his people. Sanute had been to St.

<sup>1</sup> *Reports*, Carroll's *Coll.*, vol. II, 354.

<sup>2</sup> *Hewatt's Hist. of So. Ca.*, vol. I, 192.





Augustine, and on his return he brought some sweet herbs to his friend's house, and bruising them in a basin of water, requested the privilege of washing therewith the face of Mrs. Fraser, as a testimony of his sincere friendship; and placing then his hands upon his breast, assured her that all in his heart she should for the future know. About nine days before hostilities began, he appeared again and told her a terrible slaughter of all the English was determined upon, and would take place as soon as the bloody stick, the emblem of war, should be returned by the Creeks who, with the Yamassees, the Cherokees, and many other nations, were uniting with the Spaniards, who had assured them that though peace now existed, yet soon war would be declared by Spain against the English. Sanute then urged Mrs. Fraser and her husband to fly with their child in all haste to Charles Town and offered them the use of his own canoe. Placing his hand upon his heart, he declared he had told them all he knew; if still they would not go, he promised to save them from torture by claiming the last office of a friend in taking their lives with his own hands. Fraser doubted: but his wife being terrified, he hastened with her and most of his effects to Charles Town, unfortunately without communicating to others the intelligence he had received.<sup>1</sup>

Other intimations of the approaching danger, spreading through the province, induced Governor Craven to dispatch Captain Nairne, agent for Indian affairs, and Mr. John Cochran, gentlemen well acquainted with the Indians, to know the cause of their discontent. These agents went at once to the chief warriors at Pocotaligo,

<sup>1</sup> The family tradition, however, has always been that Fraser extended the information, but that his friends and neighbors, like himself, doubted its truth. They did not act upon it, as the importunities of his wife induced him to do for her sake.



and offered speedy satisfaction for any injuries of which they might complain. The Indians feigned a friendly disposition, at night prepared a good supper for their visitors, and Captain Nairne and his party went to sleep in apparent tranquillity. But at break of day April 15, 1715, the massacre began. The round-house or council-room was beset. Captain Nairne, John Wright, and Thomas Ruffly were murdered. Mr. Cochran, his wife, and four children were at first kept prisoners and afterwards slain; Seaman Burroughs, a captain of militia, a strong and active man, rushed through the midst of the assailants and escaped, though wounded on the cheek. Swimming the river and running several miles, he gave the alarm to the planters in the neighborhood of Port Royal. In the meantime the houses of all the traders and other whites in Pocotaligo were attacked, and more than ninety persons there, and on adjacent plantations, fell victims to the fury of the savages.

The Indians divided themselves into two parties; one attacked Port Royal and the other St. Bartholomew's. Fortunately, a merchant ship happened to be in Port Royal River, on board of which the Rev. Mr. Guy, with most of the inhabitants of St. Helena, about 300 in number, took refuge by the timely warning of Mr. Burroughs. While only a few families were here massacred, in St. Bartholomew's about 100 people fell into the hands of the Indians who came down as far as Stono, burning churches and houses in their way. The Rev. Mr. Osborn and some others escaped to Charles Town. Mr. William Bray, his wife and children, and several others, finding friends among the Indians, were at first spared; but while attempting to escape were all put to death.<sup>1</sup>

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 218; Ramsay's *Hist. of So. Ca.*, vol. I, 158-161; *Hist. Sketches of So. Ca. (Rivers)*, 258-264.



Governor Craven, in this terrible calamity, showed himself as bold and vigorous a Governor as he was a wise and judicious administrator in the times of peace. The most spirited measures were adopted, both for offence and defence. Martial law was proclaimed, and embargo laid on all ships. Robert Daniel was appointed Deputy Governor and left in town, while the Governor, collecting a troop of horse and accompanied by a party of volunteers, set out himself at their head for Pocotaligo. Gathering as many as he could in Colleton, at the head of 240 men he marched directly against the enemy, after dispatching a courier to Colonel Mackay with orders to raise immediately what forces he could and to proceed, by water, to meet him at Yamassee Town. The Governor halted for the night near the Combahee River, within sixteen miles of the enemy's town, and was attacked early the next morning by about 500 of the Yamacsees. Notwithstanding the surprise, he soon put his men in order and, after an engagement of three-quarters of an hour, routed the enemy with the loss of only one man killed and a few wounded; while of the Indians, besides the wounded some of their chief leaders were slain. Without guides for crossing the river, and observing the great number of the enemy, the Governor returned to Charles Town.

Colonel Mackay, in pursuit of his orders, on his part surprised the Indians and drove them from their town, in which they had stored up quantities of provisions and plunder. While in possession of this place, learning that the enemy, 200 in number, had posted themselves in another fort, he sent 140 men to attack it. At this time "a young stripling named Palmer," who had been out on a scout with sixteen men, coming to Mackay's assistance, at once scaled the fort and attacked the Indians within their trenches, but was forced to retreat; yet a second



time he effected an entrance with his men and completely drove the enemy from the fort, who fled but to be shot down by Colonel Mackay's forces.

While the activity of the Carolinians checked the incursion on this quarter, a body of 400 Indians from the northward came down towards Goose Creek. A party of them entered Mr. John Herne's<sup>1</sup> plantation near the Santee, and after being hospitably entertained with provisions, treacherously murdered him and began their depredations. Upon news of this, Captain Thomas Barker, collecting ninety horsemen, advanced to meet them. Trusting to an Indian guide, he was led into an ambuscade, in a thicket of trees and bushes, where the enemy lay concealed on the ground. The Carolinians had advanced into the midst of the enemy before they were aware of any danger. The Indians, springing from their lair and pouring in a volley, instantly killed Captain Barker and several of his men and put the rest to flight. So great was now the panic that almost the whole parish of Goose Creek were fleeing the town. Upon one plantation, however, seventy white men, with forty negroes, had thrown up a breastwork, but while unwarily listening to feigned proposals of peace, they permitted the fort to be surprised and only a few escaped a horrid butchery. The incursion was now fortunately checked. The savages, marching triumphantly onward, were met by Captain Chicken and the Goose Creek militia, and, after a long and obstinate engagement, on June 13 were defeated and driven back and the province thus secured in this direction.

All plantations and settlements beyond twenty miles from the town were deserted. More and more alarming rumors reached the Governor. No hopes were now entertained of assistance from the Catawbas, the Cherokees, or

<sup>1</sup> The name is also found spelt *Hearne*, and now *Hyrne*.





the Congarees. All were connected with this formidable conspiracy, which extended from St. Augustine to Cape Fear. Fears were, indeed, entertained of the total destruction of whites. The Indians could number from 8000 to 10,000 warriors. There were on Carolina's muster-rolls but 1200 men fit to bear arms. Nevertheless Governor Craven, relying on the defences of the town, determined to send his forces into the wilderness to meet the enemy. He summoned the Assembly May 6, and thus addressed them: "Expedition is the life of action . . . bring the women and children into our town, and all provisions from all the exposed plantations; try to secure some of the Indians to our interests; garrisons and military stores must be provided. Virginia and New England must be solicited for arms and aid."<sup>1</sup> In response to this address, the Assembly promptly, on the 10th, passed an act to confirm and justify the action of the Governor in proclaiming martial law and appointing a Deputy Governor, and all the measures taken by the Governor, Deputy Governor, and members of Council for the defence of the province.<sup>2</sup> On the same day, another act was passed to empower the Governor and Council to carry on the war, by which the Governor and Council were empowered to impress, for the public service, all ships, vessels, arms, ammunition, provisions, and military stores. Commissioners were appointed to seize goods and merchandise to the amount of £2500, from the proceeds of which to purchase arms and ammunition. They were also authorized to impress medicines and drugs for the sick and wounded. Martial law, as then proclaimed, was allowed; but to extend no further than to military affairs.<sup>3</sup>

Governor Craven, on May 23, addressed a communica-

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 266; MSS. Journals.

<sup>2</sup> *Statutes*, vol. II, 623.

<sup>3</sup> *Statutes of So. Ca.*, vol. II, 624.



tion to Lord Townshend, Secretary of State to the new monarch, informing him of the calamity to the province, and appealing to him for assistance. "It is a great pity, my Lord," he wrote, "so fine and flourishing a country should be lost for want of men and arms, a country so beneficial to the Crown by its trade and once so safe to other colonies by reason of the vast number of Indians it was in alliance with. I have no occasion, therefore, to press your Lordship to consider that if once we are driven from hence, the French from Movill (Mobile) or from Canada or from Old France will certainly get footing here if not prevented, and then, with their own Indians and with those that are now our enemies, they will be able to march against all or any colony on the main and threaten the whole British settlements."<sup>1</sup>

This communication was, on its receipt on the 7th of July, laid before the King, who, through General Stanhope, Townshend's fellow-secretary, transmitted it to the Commissioners of Trade and Plantation, with instructions to report what might be the most proper and speedy method of assisting the colonists in Carolina.<sup>2</sup>

The next day Carteret, the Palatine, James Bertie for the minor Duke of Beaufort, and Sir John Colleton also addressed the Lords of Trade, informing them of letters received two days before giving an account of the deplorable condition of his Majesty's subjects in Carolina by the Indian invasion, and of their barbarities in torturing to death most of the British traders.<sup>3</sup> The case, they said, was the worse because it did not proceed from any provocation, as they were informed; that it was believed that all the Indian nations, amounting to 10,000 in number, had combined to ruin all the British settlements on the Con-

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 177, 179.

<sup>2</sup> *Ibid.*, 187, 189.

<sup>3</sup> *Ibid.*, 193.



continent of America to which Carolina was the frontier. They, the Proprietors, had met on this melancholy occasion and, to their great grief, found they were unable of themselves to afford suitable assistance; and that unless his Majesty would graciously please to interpose by sending men, arms, and ammunition, they could foresee nothing but the utter destruction of his Majesty's faithful subjects in those parts. The Hon. Charles Craven, then Governor, had behaved himself as a man of his quality ought, with the utmost bravery, and to his conduct it was owing that the country had not already been taken by the enemy. They would, they said, most willingly give at their board sufficient security to repay the government such sums of money as should be expended upon this necessary occasion if some of their members, particularly his Grace the Duke of Beaufort and the Right Hon. the Lord Craven, could, by reason of their minority, be bound. Whatever assistance his Majesty could afford, they hoped might be speedily sent. They retained one ship on purpose to carry arms, and would procure others on a day's notice. They had consulted General Nicholson, who had commanded forces against these Indians, and they gave his estimate as to what would be necessary for the defence of the province.

Thus it was that the Proprietors sought to relieve themselves of responsibility in this great emergency, and to turn their colonists, Landgraves, Caciques, and commoners all over to the protection of the Crown. But protection and obedience are the reciprocal obligations of government. If by reason of minorities among their Lordships, they could afford no protection in time of need, what right had they, during such minorities, to be governing the province they could not protect? This question was arising on both sides of the Atlantic. It



was being asked in London as well as in Charles Town. The Board of Trade was only too ready to take it up, and to press the Proprietors for an answer. On the receipt of the letters from Governor Craven and from the Proprietors, the board signified their desire to give their Lordships an opportunity to discuss with them the subject. And now the agency which the Assembly had established in London came in most opportunely. Mr. Kettleby was on hand to represent the interests of the colonists.

On the 13th of July Lord Carteret, the Palatine, Mr. Kettleby, the agent of the province, Mr. Robert Johnson, son of Sir Nathaniel, and Mr. Shelton, secretary of the Board of Proprietors, appeared before the Board of Trade, when Lord Carteret informed the board that the Lords Proprietors had petitioned his Majesty for assistance towards the preservation of the province which they were unable to support themselves, the minority of two of the Proprietors making it impossible to raise money by mortgaging their charter. He urged, however, that their charter would be a virtual security for what his Majesty should be pleased to advance them in arms and ammunition and other necessities for the defence of the province, though it would not be so to any private person. Mr. Johnson observed that though Carolina was then under the Proprietors, it was a frontier to the colonies under his Majesty's immediate government, and therefore he hoped his Majesty would send the supply of arms. The board desired that Lord Carteret would put in writing the particulars of what he desired.

The next day, the 14th, the two secretaries, Lord Townshend and General Stanhope, had some conference with the Board of Trade, upon which certain queries were presented to the Proprietors and they were requested to attend the day after with their answers in writing.





Lord Carteret and Mr. Ashley, two of the Proprietors, appeared accordingly on the 15th. and in answering the questions submitted by the Board of Trade, Lord Carteret said that the effects they had lately received from Carolina were rice, which might be disposed of for about £4000 sterling, which they were willing should be applied towards paying for the arms proposed to be sent. That 1500 or even 1000 muskets, which General Nicholson estimated were necessary, could not be immediately furnished but by his Majesty's office of Ordnance; they offered the rice as security towards the payment for these arms. They were not sure of being supplied with arms and ammunition from New England and New York, to which places the Assembly had sent the value of £2500. He urged again the security which his Majesty would have by reason of the charter. It was observed that it would take too long to send transport ships from Carolina to fetch what men his Majesty might think fit to order from any of the northern colonies,—to which Lord Carteret replied that the Proprietors did not desire any men, but if the King would send some, merchant ships might be found to transport them; but the Proprietors, he was compelled to add, were not able at present to hire such ships themselves, and therefore they prayed credit from the government to enable them to do it. Lord Carteret said about 500 men would be sufficient: but the Proprietors expected that the officers who should command these men should be subject to the orders of the Governor of Carolina. The board at once objected, and pointed out the difficulty that would arise from his Majesty's officers submitting to the orders of any person not in immediate commission from him. The board then went to the root of the matter and suggested a surrender of the charter. To this the Proprietors replied that they



were willing to surrender for an equitable consideration, but not otherwise. That they thought any particular Proprietor surrendering his right would be to advance the interest of the rest. That their Lordships' ancestors had been at very great expense in settling and improving this colony, which, in customs on the product thereof, had been of considerable benefit to this kingdom, there being annually produced in Carolina 3000 tons of rice, one-third of which was spent in the country, and the customs on the other two-thirds imported here amounted to £10,000 per annum, or a greater profit to this nation if the said rice be reexported by the returns—fifty thousand deer-skins, the duties whereof are £1000, besides great quantities of pitch, tar, and other naval stores. That their quit-rents, amounting to about £2000 per annum that country's money (*i.e.* currency), are applied to the payment of the Governor's salary, which is £300 per annum, and for maintaining the other public officers in that government. That a duty is raised in Carolina of a penny per skin exported, which is applied to the maintenance of the clergy there. That in 1707, when Carolina was attacked by the French, it cost the province £20,000, and that neither his Majesty nor any of his predecessors had been at any charge from the first grant to defend the said province against the French or other enemies.<sup>1</sup> To which their Lordships might have added, but did not, that neither had they, the Proprietors.

Landgrave Kettleby, the agent of Carolina, and the merchants in London trading thither, on the 18th, presented a petition to the Lords Commissioners of Trade, imploring the assistance and protection of the Crown. Most of us, said the merchants, have large debts and effects there, some have large plantations, and the loss of

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 193-196.



these would be considerable. But when they reflected upon the ruin of so flourishing, so hopeful a province, that had for many years taken so much of English manufactures, and brought such a large revenue to the Crown, and yet from its first settlement had not put the Crown to one penny expense ; when they reflected upon the loss of so many Englishmen's lives, persons who had always behaved themselves so dutifully to the Crown, and had never forfeited their rights as subjects to protection, and yet were then in imminent danger of being massacred by savages, and perhaps being roasted on slow fires, scalped, stuck with lightwood, and other inexpressible tortures ; when they reflected that this general revolt, concerted by several distant Indian nations, who had never before had policy enough to form themselves into alliances, and could not have proceeded as they had, unless directed and supplied by the Spaniards at Fort Augustine and the French at Mowille ; that Carolina, being the frontier of all the other settlements, which, if that should miscarry, would soon involve all the other colonies in the same ruin, and the whole English Empire, religion, and name be extirpated in America. — these dreadful considerations superseded their present losses and induced them to apply to their Lordships for immediate relief and assistance against this public calamity.

They represented that a ship was then lying in the river, called the *Industry*, of one hundred tons' burthen, John Woddin, commander, ready to sail to Carolina, and only stayed, at their request, for the immediate transportation of such arms and ammunition as his Majesty would graciously please to furnish. That with some new assurances of speedy reinforcement of men they hoped to encourage the colonists to hold out a little longer ; but if this ship should go thither in ballast, and bring them



nothing more solid than words and promises. they apprehended despair would suggest to them that their miseries, though known in England, were not duly regarded. and that, with no prospect of timely relief, they would abandon the province.<sup>1</sup>

Fortunately for the colonists, Governor Craven, however urgent he had been in his own direct appeal to the Royal Government, and that through Landgrave Kettleby, the agent of the province, had not depended upon the result of these appeals. With great energy and executive ability, and with a courage that rose superior to the occasion, he was able to meet the emergency and to rescue his province without the aid over which the Proprietors and the Board of Trade were higgling while the Indian savages were pressing to the walls of the town.

He dispatched Francis Holmes to New England to purchase arms with the £2500 appropriated by the Assembly for that purpose; and sent Arthur Middleton to Virginia for assistance. The forces of the colony were organized by the appointment of James Moore as Lieutenant General, John Barnwell, Colonel, and Alexander Mackay, Lieutenant Colonel. These were to consist of 600 white inhabitants to be commanded by captains of sixties, and 400 negroes likewise divided into companies of sixties, commanded by captains and lieutenants. North Carolina promptly reciprocated the assistance she had received from this colony two years before. Governor Eden and Council, on May 25, 1715, called for volunteers for South Carolina, to go at the expense of their province, and organized a force of fifty men to be sent under the command of Colonel Maurice Moore, a brother of the general of South Carolina, and who had gone with him on

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 196-199.





his expedition against the Tuscaroras in 1711, but had remained in the northern colony.

About the middle of July, his Majesty's ship, the *Valour*, Captain St. Loe, arrived with about 160 small arms, ten barrels of powder, and twenty-five casks of shot, sent by Governor Spotswood of Virginia, and on Saturday, the 16th, Captain Middleton arrived with 120 men obtained with the assistance of Governor Spotswood, but for whom he had been compelled to agree to the most stringent terms. Soon after the *Success*, man-of-war, came bringing thirty more men from Virginia, and eighty whites and sixty Indians from North Carolina.

North Carolina, recognizing her obligations, had stopped to ask no condition for the assistance she now sent to her sister southern colony, but Virginia did not act so generously. Mr. Middleton upon his first arrival was received with great civility and large promises of assistance, but when the terms came to be arranged with Governor Spotswood, he was forced to promise that for every man sent Governor Craven should return an able-bodied woman who should continue in Virginia all the time the men sent were absent; the transportation of both parties to be at the expense of South Carolina. This arrangement was found impracticable, and Governor Craven offered in lieu to increase the hire of the men to £4 per month, which modification of the agreement was accepted by Governor Spotswood. South Carolina was already in debt to Virginia, and the payment of the debt was also made a condition of the aid sent.<sup>1</sup>

In pursuance of his purpose of bringing the women and children under the protection of the fortifications of the town, and assuming the offensive against the Indians, Governor Craven had gone to the Santee, where he was

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 253, 254.



organizing the forces for an advance in that direction. While he was so engaged, 700 Apalachis, who had joined the Yamassees, again appeared in the lower part of the province and destroyed all the plantations in their way, among them Lady Blake's plantation on Wadmalaw River, Colonel Eve's on the Tugaloo, and burned Mr. Boone's settlement and a ship he was building. Governor Craven at once hastened to meet this new outbreak; but upon his approach the Indians fled over Pon Pon bridge across the Edisto, which they burned, having killed four or five white men. Captain Stone, sent with six periaguas and 100 men to Port Royal, cut off six canoes of the enemy and drove them into the woods.<sup>1</sup> Governor Craven, having cleared the province of the Indians, in December sent out an expedition under Colonel George Chicken and Colonel Maurice Moore, who, crossing the Savannah at Fort Moore, a few miles below the present site of the city of Augusta, pursued the Indians into the wilds of the Overhill Cherokees, following them as far as the Hiwassee River in western North Carolina.<sup>2</sup>

When the Assembly reconvened in February, 1716, hostilities had almost entirely ceased, and the chief object of solicitude was the securing, if possible, a permanent peace with all the surrounding Indian tribes. The Yamassees had acted prematurely, and although 400 whites had been killed and an immense amount of property destroyed, the traders having sustained a loss of £10,000 in debts, yet the invincibility of the Carolinians against the combined power of the savages had been so forcibly proved that

<sup>1</sup> Ramsay's *Hist. of So. Ca.*, vol. I, 163, 267: Letter from Carolina, 1715. *Year Book City of Charleston* (Ficken), 1894, Appendix, 319.

<sup>2</sup> See Journal of the expedition supposed to be that of Colonel Chicken, published in *Year Book City of Charleston* (Ficken), 1895, Appendix, 324-352.



never again was a united plot contrived, or an attempt made to penetrate in hostile bands to the vicinity of the capital.<sup>1</sup>

The Yamassees, upon their defeat and expulsion from Carolina, went directly to the Spanish territories in Florida, where they were received, as we have said, with bells ringing and guns firing as if they had come victoriously from the field. Two women prisoners whom they had carried to St. Augustine reported to the Carolinians the kind reception the Indians met with from the Spaniards. It was again, doubtless, the settlement at Port Royal and the laying out of the town of Beaufort there that had aroused the Spaniards to set on the Indians against the English. They had destroyed the attempted settlement of Lord Cardross there in 1686; and now, thirty years after, they put up the Indians to prevent the establishment of the town of Beaufort. Driven from their lands, the Yamassees conceived inveterate ill-will and rancor to all Carolinians, and watched every opportunity of indulging their vengeance on them. Furnished with arms and ammunition by the Spaniards, they broke out in small scalping parties and infested the frontier of the settlements, often inflicting the most atrocious cruelties and tortures.<sup>2</sup>

The Lords Proprietors had written to Governor Craven on the 29th of March, 1713, that as Sir Anthony Craven had died, and as he might wish to come to England, they gave him permission to do so, and intimated their intention of appointing Robert Johnson, son of Sir Nathaniel, to succeed him.<sup>3</sup> Craven had not availed himself of the permission at the time, and he would not abandon the

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 268.

<sup>2</sup> Hewitt's *Hist. of So. Ca.*, vol. 1, 223.

<sup>3</sup> *Coll. Hist. Soc. of So. Ca.*, vol. 1, 161.



province as long as it was menaced with danger. But now that the Indians had been defeated and the security of the province assured, he felt himself at liberty to do so. His personal courage, upright character, and devotion to the best interests of the government had won for him the esteem and warm attachment of the Carolinians. Their expressions to each other on parting were full of the evidences of their mutual friendship and respect. He left Colonel Robert Daniel Deputy Governor.<sup>1</sup>

A melancholy accident happened upon his departure. He embarked for England on the 25th of April, 1716. While the man-of-war in which he was to sail rode at anchor near the bar, the Rev. Gideon Johnson, the commissary of the Bishop of London, with thirty other gentlemen, accompanied him in a sloop to take leave of him. On their return a storm arose, the sloop was overset, and Mr. Johnson, lame of the gout and being in the hold, was drowned. The other gentlemen were saved. Afterwards the sloop drove, and it was remarkable that Mr. Johnson's body was taken out while it was beating against the same bank of sand upon which he had almost perished at his first arrival.<sup>2</sup>

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 268.

<sup>2</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 231; Dalcho's *Ch. Hist.*, 98.





## CHAPTER XXIV

1716

WHEN the Tuscaroras had risen, in 1711, on the Neuse, South Carolina had not paused for a day to make a bargain or contract with her northern sister province, but had at once fitted out and dispatched the expedition under Barnwell, and had with like liberality sent another under Moore, in 1713, upon the renewal of that war. In 1715 North Carolina had acted in return with as much generosity, and sent assistance to this province under Maurice Moore. Virginia, when appealed to by Governor Craven, in 1715, had not seen fit to act in this spirit. She had demanded terms and security from Middleton, the agent, and he had had to bargain with Governor Spotswood for the few men he obtained from that province. Nor did Spotswood afterwards neglect the contract he had required, but rigidly insisted upon a compliance with its terms, and complained to the Board of Trade in England that South Carolina had not fulfilled her engagements with him; so that when the Proprietors and the Carolina agents applied to that board for assistance, they were met with the inquiry as to their liability to that province. To this Carteret had replied that Virginia had looked to her own interests and had acted but prudently in sending assistance to Caroline, it being better to fight an enemy at a distance than within her own territory. But Governor Spotswood continued to press for his hire, and it was



deemed best to send back his men, for whom South Carolina found it inconvenient to pay.

The General Assembly met again soon after the departure of Governor Craven, and its first business was to address a letter on the 15th of March, 1715-16, to its special agents in England, Messrs. Boone and Berresford, urging them to press the appeal to his Majesty to take the immediate government of the province into his own hands; for, according to all human probability, they wrote, unless his Majesty would do so, and send men to defend them and money to defray their charges, this once flourishing colony would be reduced to nothing and become a prey to their barbarous enemies.

According to a moderate computation, they said, the charges that the province had been at for the support of the war amounted to £150,000; what further charges they would incur, God alone knew; they need not use any arguments to make their agents know that this would be a greater burden than the province could possibly bear. The forces from Virginia and North Carolina were on their return home, being unwilling to stay longer, and the Assembly more than willing to release, as they could not afford to maintain them. They were trying to find some means of giving the government of Virginia all the satisfaction they could in reason desire. In their letter the Assembly said: "Wee should not have mentioned anything on this head at this time had not the Govern<sup>r</sup> of Virginia sent us word that he would endeavor to make us look as odious as he could both at home in England, and in all the Kings Govm<sup>ts</sup> in America upon the account of our non performance of every particular branch of the Treaty of assistance agreed upon between that Gover<sup>mt</sup> and our agent sent thither for that purpose. At the same time we must confess that if our late Assembly had fully complied with



that agreement it would not have cost this province near so much money as the measure we shall now be obliged to take."<sup>1</sup>

Upon the receipt of this letter, Mr. Berresford presented to the Lords Commissioners of Trade and Plantation a memorial upon the condition of South Carolina,<sup>2</sup> stating that the province having for a year past been engaged in war with the Indians, numbers of its inhabitants had been destroyed by fire and sword. The small number of white men fit to bear arms that were left continued to desert the province, and had not the government of Virginia and North Carolina sent to their assistance about 200 men (for part of whom they had been obliged to consent to terms almost impossible to be complied with), many more, if not the greatest part of the present inhabitants would in all probability have deserted. The whole province, thus distressed and despairing of further assistance from the American colonies or from the Lords Proprietors, were under the necessity of making application to the King and Parliament to enable them to subdue their enemies.

The memorial went on to say that their agents and several merchants of London trading to Carolina had accordingly, on the 9th of August before, presented their case by petition to the House of Commons, and after examination by committee, that body had been pleased to address his Majesty to send to the assistance of Carolina such supplies as in his wisdom should be thought needful; that his Majesty had been pleased to send a sufficient quantity of arms, "but the unnatural rebellion," that of the Pretender then existing in Scotland, had prevented his sending men.

A second petition from the agents, merchants, and

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 224-226.    <sup>2</sup> *Ibid.*, 229-233.



others to the King, they said, had been presented praying that some of the rebels in Scotland who had petitioned to be transported might be sent to serve in Carolina. That by other letters and advices received from the most credible inhabitants, it appeared that, notwithstanding they had made peace with one nation of their Indian enemies, they were still obliged to employ all the force of white men they could raise, together with many of their black slaves, against those Indians who had begun the war, and had since committed the greatest barbarities.

"All of which Representations and Applications," Mr. Berresford continued, "being made to this Government and also by proper persons here made known to the Honorable the Lord Proprietors, and no sufficient assistance sent them. About the beginning of this instant June arrived here from that Province another address to the King and a letter from the Assembly there very plainly setting forth their present State, which having been shown to the Honorable the Lord Cartwright (Carteret) and others the Lords Proprietors of that Province they had signified their dislike thereto, and as we have too much reason to fear will not only refuse to consent to what may be necessary on their parts but also endeavour to invalidate the said Representation which obliges us the more earnestly to make all the application we are able that the condition of these distressed subjects may in the most effectual manner be laid before and come under the consideration of his Majesty and the Government with the greatest Expedition."

The memorial pressed again the importance of the colony as an outpost to the other English provinces in America. They represented that "by many former circumstances as well as by the late Letter from the Assembly of Carolina there is too much reason to be assur'd that the





French (who live and trade with the Indians from Quebec and along the Lakes of Canada and southward to and down the great river of Mississippi to Fort Morilla scituated on a River near the mouth of the said great River with the Bay of Mexico) have stirred up and encouraged several Nations of Indians to this war." The French, they represented, had settled within the bounds of the charter of Carolina on the back of the improved part of the province, and had possessed themselves from the northernmost part of the sea to the southernmost on the back of all the most valuable British plantations and colonies on the main of America. "'Tis too obvious," they said, "what they (especially South Carolina) must expect whenever a Rupture with France may happen if not before. It's also as obvious how formidable the French will grow there during peace considering how industrious they are in frequently supplying their Settlements with People," etc.

"Carolina being thus circumstanced and capable of affording greater quantity of valuable produce than any other part of British America as the best of Rice in abundance, all manner of Timber for building, shipping in great plenty, Pitch, Tar, Turpentine, Rosin, Indigo and Silk which has been manufactured in London and proves to be of extraordinary Substance and Lustre, omitting to mention the great quantity of provisions and other necessaries it affords the Plantation. 'Tis humbly hoped the King and Parliament will be of opinion that it merits a particular notice and Protection.

"The colony being capable of producing sufficient quantities of many of the aforesaid commodities not only to supply great Britain but several other parts of Europe, the first costs of which being paid for, in british manufactories and the whole freight redounding to his Majestys



Subjects are circumstances worthy of the notice of the Legislature."<sup>1</sup>

While Boone and Berresford were thus appealing to his Majesty's government to be taken under the Royal care and protection, the Assembly in Carolina were devoting themselves to legislation for the province, not indeed as if they had any idea of abandoning it. One of its first measures was to order "That Col. Maurice Moore be desired (by the messenger) to attend this House, and when come into the same Mr. Speaker do give him the thanks of this House for his service to this Province in his coming so cheerfully with the forces brought from North Carolina to our assistance, and for what further services he and they have done since their arrival here."<sup>2</sup>

In 1707, under the administration of Sir Nathaniel Johnson, a large tract of land before alluded to, then in-

<sup>1</sup> To this memorial Mr. Berresford added the following tabular statement of the value of the province before the Indian wars, and its losses occasioned thereby:—

#### A DEMONSTRATION OF THE PRESENT STATE<sup>a</sup> OF SOUTH CAROLINA.

The value of The Province the year before the Indian war, viz: Lands, Negroes Stock Merchandize and all other Profit and Improvements by an Assesment the sum total amounting to	£ 709,763
The value of the Province is diminished by destruction desertion &c: at least a third which is	£ 236,587
The Bills of Credit made current before the war and now extant are	£ 44,000
The Debts and Bills since the War	£ 140,000
The value of Ten Thousand Negroes at Twenty Pounds each which being the only thing the Inhabitants can carry with them when they desert the Province or improve their Lands, and subsist themselves with, while there they will never part with, and therefore the sum of them to be deducted, which is	£ 200,000
The remaining sum to be exosted before their Debts will be equal to the value of their Lands, and other Stock after which (in point of Interest) it seems to be equal for the Inhabitants to serve the Province or stay & pay the Debt if their Troubles were at an end, but if the War continue & the Inhabitants remain on the Land there is too much reason to fear they will be reduced to the miserable condition of their Neighbors in the Barren Islands which we hope His most Gracious Majesty the King under God will timely prevent	89,176
	£ 709,763

<sup>2</sup> *Commons Journal.*



habited by the Yamassees, had been set aside and appropriated by an act for their exclusive use. Surveys and settlements upon it were forbidden, and white settlers already within its limits were removed. The purpose of this measure was to secure the maintenance of these then friendly Indians between the colony and the hostile tribes under Spanish influence in Florida.<sup>1</sup> But after the Indian War and the expulsion of the Yamassees, the Proprietors had written to the Governor and Council on the 3d of March, 1716, that it was the intention of the board that these lands from which the Yamassees had been expelled should be parcelled out in divisions not exceeding 100 acres to be allotted to those who were or might thereafter come to Carolina.<sup>2</sup> The first act of the Assembly of June 13, 1716, under Deputy Governor Daniel was, therefore, one to repeal the act of 1707, and to open these lands to settlers from abroad. The limits of this territory were the Combahee River on the northeast, the marshes and islands on Coosaw and Port Royal rivers on the southeast, the Savannah River on the southwest, and a line drawn from the head of the Combahee River to Fort Moore on the Savannah. These lands were now set apart for settlement by such persons (being Protestants) as might come into the province from Great Britain, Ireland, or any of his Majesty's plantations in America. To every such person 300 acres of river land and 400 acres of back land were offered. The grants were to be confined to "new comers" (actual settlers), who were not to be allowed to convey away their tracts before seven years had expired. The grants were not, however, to be without consideration. A quit-rent of 12 pence per 100 acres was reserved and 43 purchase money to be paid for each

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 317.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 164.



100 acres within four years and six months. This favor being allowed the persons that should settle the said tract of land, said the act, in consideration of their poverty. "Therefore," it continued, "it is the humble request and desire of the General Assembly to the Lord Palatine, and the rest of the Lords Proprietors of this Province that their Lordships for the consideration aforesaid will acquiesce in and approve this part of this act, and accept of their purchase money to be paid as before directed by this act," etc.<sup>1</sup>

The next measure of the General Assembly was one to encourage the importation of white servants. The act recited that sad experience had taught that the small number of white inhabitants was not sufficient to defend the province even against their Indian enemies, and that the numbers of slaves which were daily increasing might likewise endanger its safety if speedy care was not taken to encourage the importation of white servants. Wherefore a bounty of £25 current money of the province was offered to be paid by the Receiver for every white male servant above sixteen years of age and under thirty; and £22 for every boy of twelve and under sixteen; an additional bounty of £5 was offered for all such servants who should be imported within two years. Of the white servants so imported, planters were required to take from the Receiver one servant for every ten slaves owned. But whereas said the act, "there hath been imported into this province several native Irish servants that are Papists, and persons taken from Newgate and other prisons, convicted of capital crimes to the great prejudice and detriment of this province," in order to prevent the imposing upon the province persons of lewd and profligate lives, it provided "that all merchants or masters of vessels or

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 641-646.





others shall upon their oaths declare that to the best of their knowledge none of the servants by them imported be either what is commonly called native Irish or persons of known scandalous characters or Roman Catholics"; merchants shipping servants were "obliged to send a certificate under the hand of the proper magistrate that such persons or servants are Protestants, and be not reputed to be or have not been legally convicted of any notorious crime."<sup>1</sup> Such were the religious animosities of the time and the blindness of prejudice that the colonists appear to have been more afraid of Irish papists than of the Yamassee Indians, and regarded them no better than "persons of lewd and profligate lives." It is scarcely to be wondered, however, that Roman Catholics should be held in such disrepute, when it is recollected that but a few years since the dissenters under Boone were classifying Huguenots, Jews, strangers, aliens, servants, and negroes as alike unworthy of participation in the government with English freemen.

The next measure was one "*for laying an imposition on Liquors, goods and Merchandises Imported or Exported out of this Province for the raising of a Fund of Money towards defraying the public charges and expenses of the Government.*"<sup>2</sup> This act, which laid heavy duties on a long list of enumerated articles of merchandise, and five per cent on all goods not mentioned, made another attempt to check the importation of negroes by imposing heavy duties. Three pounds current money per head was imposed on every negro slave over ten years old imported into the province from Africa; and £30 per head for all such imported from any of the other colonies.<sup>3</sup>

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 646.

<sup>2</sup> *Ibid.*, 649.

<sup>3</sup> From inventories and appraisements on file in the Ordinary's, now



Then followed an act authorizing another emission of bills of credit to the amount of £30,000 for the payment of the army and defraying the expenses of the war, which resulted in a further depreciation of the currency.<sup>1</sup> Also "*An act for the better Regulating the Indian Trade.*"<sup>2</sup> These and other measures of less importance were passed on the 30th of June, 1716. At the same session Governor Daniel had informed the House that he had bought thirty of the Highland Scots rebels at £30 per head, for whom the agent in London had petitioned, and requested power to purchase more. The Assembly sanctioned this purchase; but wished no more "till we see how these will behave themselves."<sup>3</sup> On the 4th of August still another issue of £15,000 in bills was authorized to be stamped to pay for these Scots, who were to be employed as soldiers in defending the province.<sup>4</sup>

Having taken these measures for checking the importation of negroes and encouraging that of white men for the protection of the province, the Assembly turned its attention to remedy the evils and inconveniences which still existed in regard to the election of members of the Commons House of Assembly. Previously to the act of 1692,<sup>5</sup> as we have seen, elections had been conducted entirely under the instruction of the Lords Proprietors to their Governors. The provisions of that act are not known. The act of 1704<sup>6</sup> prescribed the qualifications of a voter to be the age of twenty-one years, the possession of

Probate, office in Charleston, which were made about this time, grown negro slaves appear to have been valued at from £150 to £200 currency; i.e. about £40 to £50 sterling. Boone and Horsford in the table just given, it will be seen, value negroes, young and old, male and female, at £20 sterling, round.

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 662.

<sup>2</sup> *Ibid.*, 677.

<sup>3</sup> *Hist. Sketches of So. Ca.* (Rivers), 276, note; *Commons Journals*.

<sup>4</sup> *Statutes of So. Ca.*, vol. II, 682.

<sup>5</sup> *Ibid.*, 73.

<sup>6</sup> *Ibid.*, 249.



50 acres of land or £10 in personal property, and a residence of three months prior to the date of the writs of election; required the elections to be held in public for two days, and to be by ballot; but it did not prescribe the voting precincts, nor apportion the representatives to the counties. These matters were left as they had been under the regulations of the Proprietors, and though the representation had been divided in 1682 equally between Berkeley and Colleton, and directions had been given that the elections should be held at Charles Town and London, in Colleton, and again apportioned in 1691 between Berkeley, Colleton, and Craven counties, it had become customary, perhaps through the dangers of Colleton to incursions of the Indians, to hold all the elections in Charles Town. This was not only inconvenient, but it led to the rioting which had often occurred, especially in 1701, and exposed the inhabitants of the country precincts to the influences of the political leaders in the town. It was in every respect a most objectionable and dangerous arrangement, justified only at first by the necessities of the times. This matter the Assembly now took up, and again looked to Barbadoes for a model upon which to base a representative and elective system.

In England the two systems, the parish and the township, have existed from the most ancient times side by side; usually, but not always, coincident in area, yet separate in character and machinery. The township, which preceded the parish, was the unit of civil, and the parish the unit of ecclesiastical, administration.<sup>1</sup> The nonconformists of New England, disaffected to the church, adopted the township system to the exclusion of the parochial. The churchmen, who settled Barba-

<sup>1</sup> Blackstone's *Comm.*, vol. I, 412-416; Stubbs's *Const. Hist.*, vol. I, 227; *Encyclopedia Britannica*, vol. XVIII, 295.



does about the same time, on the other hand, established parishes, and from time to time adding civil to the ecclesiastical duties of parochial offices, contented themselves with that organization as the basis alike of civil as of ecclesiastical affairs. The parish thus became the unit alike of Church and State, and the election precinct of members of the Commons House of Assembly. The Church act of 1706, as we have seen, adopted in Carolina the names of the parishes in Barbadoes, and in 1712, the care of the poor, which under Archdale's act of 1695 had been committed to overseers, was put under the charge of the vestries and churchwardens—a legitimate charge in their ecclesiastical capacity. The Assembly of this year went further and adopted the parish electoral system of Barbadoes as the model of the government of this colony. The act which accomplished this was entitled "*An act to keep inviolate and preserve the freedom of Elections and appoint who shall be deemed and adjudged capable of choosing or being chosen Members of the Commons House of Assembly.*"<sup>1</sup> The reasons assigned in the preamble for its enactment were that the greatest part of the inhabitants lived at considerable distance from the stated places of election, whereby they were at great expense of time and money, besides other hazards, in choosing members of the Commons House of Assembly; and as the counties of the province were now divided into distinct parishes, elections might be managed in them so as, in a great measure, to avoid these evils. Its principal features were as follows:—

Elections were to be held in each parish to continue for but two days, beginning at sunrise each day and ending at sunset. These elections were to be managed by the churchwardens, who were to make publication of

<sup>1</sup> *Statutes of So. Car.*, vol. II, 683.





the writs, and, at the closing of the polls, were to put all the votes, which were to be "delivered in and rolled up by the electors, into some box, glass or paper, sealed with the seals of any two or more of the electors present," and, upon the opening of the polls the second day, were to be unsealed, in order to proceed to the election.

To prevent persons voting twice at the same election, electors were to be enrolled; their names were to be fairly entered in a book or roll provided by the churchwardens; and if in voting two or more papers were found rolled up together, or more persons' names found written on any paper than ought to be voted for, such papers were not to be counted. It was especially provided that the elector should not be obliged to subscribe his name to the voting paper or ballot, which seems to intimate that some such custom had previously existed; but of this we have no other information. The churchwardens, managers of elections, were, within seven days, to give public notice at the church door, or some other public place in the parish, of the result of the election; and every one chosen was required under a penalty of £100 currency to serve.

The members of the House of Commons were thus apportioned to the parishes: to St. Philip's, Charles Town, four; Christ Church two; St. John's three; St. Andrew's four; St. James, Goose Creek, three; and as, said the act, the limits of the parishes of St. Thomas and St. Dennis were not yet clearly ascertained, "the said parish of St. Dennis lying in the midst of the bounds, and designed only for the use of the French settlements, which at present are mixed with the English," to the parishes of St. Thomas and St. Dennis were allotted three; to St. Paul's four; St. Bartholomew's three; to St. Helena three; to St. James, on Santee, in Craven County, one.



A special provision was made in favor of the inhabitants of St. Bartholomew's and St. Helena, who had been driven from their settlements; they were allowed to choose persons who had formerly lived in those parishes, and to vote at such places as the Governor and Council should appoint. The bounds of the parishes were to be surveyed within two months after the ratification of the act.

Writs of election were to be issued by the Governor and Council, and to be tested forty days before the meeting of a new House, of which elections public notice was to be given two Sundays before at the door of each parish church or at some other public place in the parish. In case churchwardens should be wanting, the Governor and Council might appoint other persons to manage an election. The managers of election, churchwardens, or other persons appointed were required to be sworn by a Justice of the Peace faithfully to execute the writ of election. This clause was to be the subject of one of the first differences between the people and the Royal Government forty-six years after.

The qualifications of voters prescribed in the act of 1704 were modified. It was now enacted that every white man, and no other, professing the Christian religion, of the age of twenty-one years, who had been in the province for the space of six months before the date of the writ of election, instead of three, as was sufficient under the act of 1704, and who was worth £30 current money of the province, should be entitled to vote for members of the Commons House of Assembly for the parish wherein he was actually resident. The freehold qualification of 1704 was abolished, but the money qualification increased from £10 to £30. For members of the House the qualifications were that the person should be worth £500 current



money in goods and chattels, or possessed of 500 acres of land in the parish wherein he was chosen.

Penalties were presented against those who should violate the freedom of election by menaces, threats, or bribery. A quorum of the House was fixed at sixteen members, nine of whom must concur in the passage of any law; but seven might meet, "make a house" as it was termed, elect a chairman (in the absence of the Speaker), and adjourn or summon by their Messenger the absent members.

This law, which now assimilated the government of Carolina to that of Barbadoes and the other British West Indies which had followed the model of that colony, was acceptable to all but to a few leaders, chief of whom were Trott and Rhett. Churchmen were satisfied with it, as it incorporated the church into the very warp and woof of the government itself, making use of its machinery for the administration of civil affairs as well as ecclesiastical, and thus more firmly establishing its hold upon the people. On the other hand, it avoided the violence and tumults often witnessed at elections in Charles Town, saved great expense and inconvenience, and allowed parties in the country to manage their elections without interference or influence of the townspeople. It increased the representation in the Commons House to thirty, and most equitably apportioned the representation to the different parts of the province. No more representatives were allowed to St. Philip's, the town parish, than to St. Paul's, in Colleton. But this was fully compensated by the representation allowed the adjoining parishes, St. James, Goose Creek, St. Andrew's, and Christ Church, whose interests and affiliations were all the same as those of the inhabitants of the town. This act thus established the peculiar parish system of South Carolina, which was to last for a century and a half.



The Proprietors had yielded to the wishes of the people, and on the 24th of February, 1716, had revoked the veto power of Trott and his power to appoint Provost Marshals.<sup>1</sup> They had also agreed to the appropriation of the Yamassee lands to new settlers,<sup>2</sup> and in April had contributed £500 towards the building of the new St. Philip's Church, and directed that the Rev. Mr. Johnson, for whom they entertained a high opinion, was to receive £100 per annum during his residence in the parish of Charles Town, and also arrears for assize sermons from the year 1708 to 1713.<sup>3</sup> But Mr. Johnson, as we have seen, had not lived to enjoy these additions to his income. Though the Proprietors had withdrawn the extraordinary powers they had conferred upon Trott, they had lost no confidence in him, and were ready to trust him with other positions and duties in addition to those of his great office of Chief Justice. Lord Carteret, the Palatine, issued a warrant authorizing him to sit as Judge of the Vice-admiralty Court.<sup>4</sup>

Another great trouble to the Carolinians had been growing during Governor Craven's administration. While the Indians had arisen upon the frontier in the country, and the Governor was engaged in repelling their invasion from that direction, the pirates again appeared upon the coast. During Queen Anne's War, both Spaniards and French had twice overrun and plundered the Bahama Islands, and the Island of Providence was practically deserted by the English inhabitants. The population of Providence had always been of the most unruly and turbulent character, living in a great measure upon the wrecks on the island, which they were accused, indeed, of occasioning as well

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 187.

<sup>2</sup> *Ibid.*, 164.

<sup>3</sup> *Ibid.*, 163.

<sup>4</sup> *Hewatt's Hist. of So. Ca.*, vol. I, 231.





as plundering.<sup>1</sup> Trott himself had been Governor of the island, and knew well its character. Indeed, he had been charged by Randolph with conniving at these practices. During the war with France and Spain, Providence became the chief rendezvous of a body of desperate men, who were accustomed to push out into the ocean, or cruise in the Gulf of Mexico and prey on commerce. For five years they held their robber reign, and plundered and took vessels of every nation without distinction. They had their hiding-places along the coast of both Carolinas. The mouth of the Cape Fear was a place of refuge and resort, second only in importance to Providence.<sup>2</sup> It was estimated that they numbered 1500 men on the coast, 800 of whom had their headquarters at Providence. They swept the coast from Newfoundland to South America, plundering their prizes at sea, or carrying them into Cape Fear or Providence as best suited their convenience.<sup>3</sup>

Upon the address of the House of Lords the King had dispatched Captain Woodes Rogers with a naval force to Providence, to break up the nest of pirates there. This, as we shall see, Rogers promptly succeeded in doing. But their suppression in the Island of Providence did but transfer large numbers of them to Carolina.

The commerce of Carolina had in the last ten years greatly increased. It had, indeed, more than doubled. In 1706 the number of vessels entering the port of Charles Town had been 68. In 1716 it had been 162.<sup>4</sup> The commerce of the port had been for some years free from piratical interference, until 1715, when many captures

<sup>1</sup> *British Empire in Am.*, vol. II, 422.

<sup>2</sup> *Hawke's Hist. of No. Car.*, vol. II, 272.

<sup>3</sup> *The Carolina Pirates* (S. C. Hughson); *Johns Hopkins Univ. Studies*, 12 series, V, VI, VII, 59.

<sup>4</sup> See Appendix VIII.



of vessels in the Carolina trade had been made, and it became evident that unless some immediate action was taken the commerce of the colony would be destroyed. While the agents of Carolina in London were pressing, now the Proprietors, and then the Royal Government, for assistance in resisting Indians, the pirates had begun again their depredations on her commerce; and from neither Proprietors nor government could assistance of any consequence be secured.

Whether or not there was any truth in Randolph's charges as to Trott's complicity with the pirates while Governor of Providence, he acted now with great vigor against them. A number having been taken, a court was at once organized for their trial. Fortunately, Trott had not only the Proprietors' commission as Judge of Admiralty, but he had also a commission from the King. No question could possibly arise, therefore, as to his jurisdiction. Among the English statutes under his compilation re-enacted here in 1712 was that of 27 Henry VIII, c. 4: "*For Pirates and Robbers on the Sea.*" In adopting the English statutes, it had been provided by this act of 1712 that the Governor and Council of the province should have all the power and authority relating to the execution of the enumerated statutes as by the same were given and possessed in England by the Lord Chancellor or the Lord Keeper of the Great Seal of England; and under the statute of Henry VIII pirates were to be tried by commission under the King's Great Seal directed to the Lord Admiral or to the Lieutenant or Deputy and to three or four such other substantial persons as should be named by the Lord Chancellor.<sup>1</sup> In pursuance of these provisions, Governor Daniel and his Council, -- George Logan, Francis Yonge, and Samuel Eveleigh, -- on the 27th of November,

<sup>1</sup> *Statutes of So. Ca.*, vol. II, 413, 465.



1716, issued a commission for the trial of the captured pirates.<sup>1</sup> A grand jury was organized and an indictment was given out against the prisoners, nine in number, six of whom were from England, one from Boston, one from New York, and one from Williamsburg, Virginia. The grand jury returned a true bill, but upon the trial the petit jury failed to convict. Another party were, however, soon after captured, and brought to trial before the court on the 3d of July, 1717, and, as we shall see, were convicted and hung.<sup>2</sup>

<sup>1</sup> By this commission the following assistant judges were appointed: Captain Thomas Howard, commander of his Majesty's ship the *Shorran*; the Hon. Charles Hart, one of the members of the Council in South Carolina; the Hon. Thomas Broughton, Speaker of the House of Assembly in South Carolina; Arthur Middleton, Esq., and Ralph Izard, Esq.; Captain Philip Dawes; Captain William Cuthbert, commander of the *Fortune* frigate; Captain Allen Archer, commander of the brigantine *Experiment*; and Samuel Deane and Edward Brailsford, merchants.

<sup>2</sup> *Admiralty Book, U. S. Dist. Ct. of So. Ca., A. and B.*



## CHAPTER XXV

1717

GOVERNOR CRAVEN, upon his arrival in England, attended upon the Lords Proprietors, who desired him to continue his office and to return to Carolina, but he stated that his affairs in England were of such a nature as to prevent his doing so, and requested to be excused, and that their Lordships would nominate another Governor to succeed him. The Proprietors thereupon agreed to nominate Robert Johnson, son of Sir Nathaniel, as Governor, and the Secretary was instructed to prepare letters for the Royal approbation of the nomination. They ordered that a part of Mr. Johnson's instructions should be to make inquiry into the complaints of Governor Spotswood; that all arrears then due the Lords Proprietors and growing rents to the 1st of May, 1718, be given to the use of the public as the Governor and Council should think proper to appropriate. They also offered Governor Craven a present of £1000 for his services.<sup>1</sup>

It was not until April 30, 1717, that his Majesty's approval had been obtained and all other preliminaries arranged so as to allow the Proprietors to issue Mr. Johnson's commission. By his instructions Governor Johnson was, immediately on his arrival, to summon Alexander Skene, Nicholas Trott, Thomas Broughton, Charles Hart, Francis Yonge, Samuel Wragg, and

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 188.





(James) Kinloch to be the Council; liberty of debate was to be allowed and votes upon all matters that should be debated. No member of the Council was to be suspended without good and sufficient reasons, which were to be at once forwarded to England. The Receiver General was to be aided in getting in fines and forfeitures. Their Lordships had received complaints of the exorbitant rates of bullion in Carolina, which they alleged proceeded only from an act to which they had always evinced great repugnance, called the "bank act." They recommended the reduction, as much as possible, of paper credit. Inventory was to be taken of all arms, ammunition, and stores, and storehouses were to be established throughout the province. Governor Johnson was to receive, as salary, £400 per annum, payable quarterly; a full moiety of which in the event of his death or absence was to be paid to whomsoever might be appointed to the temporary administration of the government. Upon other points the instructions were the same as to previous Governors.<sup>1</sup>

A most curious and anomalous condition of affairs now existed as to the relations between the colony, the Proprietors, and the Royal Government. The Governor and Council were still in constant formal communication with their Lordships the Proprietors. But behind this regular channel of communication their Lordships were in private correspondence with Chief Justice Trott. On the other hand, while the Governor, Council, and Assembly had their regular agent, Landgrave Kettleby, in London to look after the bounties due and the affairs of the colony generally, under the instructions of a committee of correspondence of the Assembly itself, that body had also their special agents, Messrs. Boone and Berresford, there directly

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 165.



appealing to the Royal Government, in which appeals, still more to complicate matters, Deputy Governor Daniel himself was joining,<sup>1</sup> although he had objected to the appropriation of £2000 by the Assembly for Boone and Berrestord, upon the ground that it was using the public funds to destroy the charter of the Proprietors.<sup>2</sup>

Thus, while the Proprietors were preparing their instructions for Governor Robert Johnson, Messrs. Boone and Berrestord were laying before his Majesty "The humble address of the Representatives and inhabitants of South Carolina," in which the memorialists say :<sup>3</sup>—

"In our last humble address to your Majesty we took the liberty to inform your Majesty of the deplorable circumstances we then labored under, without any probability of seeing an end to our calamities. Our troubles instead of coming to a period, daily increase upon us, and we now see ourselves reduced by these, our misfortunes to such a dismal extremity, that nothing but your Majesty's most Royal and gracious protection (under God) can preserve us from ruin. Our Indians continue committing so many hostilities and infesting our settlements and plantations to such a degree, that not only those estates which were deserted at the breaking out of the war, cannot be resettled, but others are daily likewise thrown up to the mercy of the enemy to the impoverishment of several numerous families.

"We farther take the liberty to inform your Majesty that notwithstanding all these miseries, the Lords Proprietors of this Province instead of using any endeavours for our relief and assistance, are pleased to term all our endeavours to procure your Majesty's Royal protection the business of a faction and party. We most humbly assure your Majesty that it is so far from anything of that nature, that all the inhabitants of this Province in general are not only convinced that no human power but that of your Majesty can protect them, but earnestly and fervently desire that this once flourishing Province may be added to those under your happy protection."

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 238.

<sup>2</sup> *Hist. Sketches of So. Ca.* (Rivers), 276, note.

<sup>3</sup> *Ibid.*, Appendix, 404.



This address to the King was signed by the Speaker and the rest of the members attending the Assembly.<sup>1</sup> It was referred by his Majesty through Mr. Secretary Addison to the Board of Trade; and, on the 10th of May, 1717, Mr. Boone and Mr. Berresford, having been sent for, attended before the board and were questioned in regard to its representation. They said they had lately received and presented to Lord Carteret a letter from the Governor and Council to the Lords Proprietors, dated January 26, of which they produced a duplicate, which was read and copy taken. They stated that, upon the application to Lord Carteret, the Palatine, and presenting to him a printed "case" of the condition of the province, his Lordship had promised to lay the condition of affairs before his Majesty and to desire the necessary supplies, which they believed his Lordship had done. Being asked what number of men they thought necessary for subduing the Indians, and how long they proposed the men sent should continue in Carolina, they declared their opinion that not less than 600 would be effective, 200 of whom might be disbanded in twelve months, 200 in eighteen months, and 200 in two years after their arrival in Carolina. Mr. Boone and Mr. Berresford added that Lord Carteret had declared to them his willingness to surrender his share in it if the not doing it were such an obstacle as to hinder the relief of the province.

Lord Carteret appeared before the board on the 31st.

<sup>1</sup> "Signed by Mr Speaker and the rest of the members attending the service of the House of Commons

GEO. LOGAN, Speaker

David Durham, Ra: Izard, Benj: De La Conseillere, Thos: Summers, William Gibbon, Charles Hill, Thos Lynch, Wa: Izard, Jonathan Drake, Richard Harris, John Williams, Thomas Waring, John Geoffrey, Thomas Sater, John Beamon, Arthur Hall, Hugh Hext, Roger Moore, John Woodward, Richard Butler, James Cochran, John Russ, Fied Townsend

"Signed likewise by the rest of the inhabitants of this Province."



but he did not confirm what Mr. Boone and Mr. Berresford had said about his generous offer. On the contrary, he questioned the right of Messrs. Boone and Berresford to represent the Assembly in South Carolina, that body having been dissolved. But the persons styling themselves such, he admitted, had desired him to present their paper to the King, which his Lordship had done. Since that, however, he had had private letters from Carolina — no doubt from Trott — which brought advice of a peace having been made with the Indians, which his Lordship observed was probable, since the Yamassees, the first authors of the war, were cut off. He then went on to belittle the whole matter. He said there had never been a regular war with the Indians in Carolina. Many settlements which had been too scattered and remote from each other had been destroyed at several times; but the whole colony was never in such danger of being lost as was suggested. He called attention to the fact that the Assembly had made no provision for the support of the men they asked for; that the Lords Proprietors would be glad to have more men sent thither in any manner, but it could not be expected that his Majesty should send and maintain them there; that the province may have been run in debt, as alleged, but that the Lords Proprietors had applied all their profits towards its support, and had purchased and sent 250 muskets, which they had heard had actually arrived in Carolina. He added he did not doubt but when Colonel Johnson, the present Governor, arrived, he would find all things quiet in the province; his Lordship, therefore, desired the board to suspend their report to his Majesty until fresh advices should arrive from thence.<sup>1</sup> This request of Lord Carteret appears to have been effectual for the time.

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 280-282.





While these discussions between the agents of Carolina, the Proprietors, and the Board of Trade were taking place in England, the General Assembly had again met in Charles Town, and, under Daniel, the Deputy Governor, were proceeding with the legislation of the province. The salary of Colonel Alexander Parris, the Public Receiver, was raised to £400, and he was authorized to appoint a deputy.<sup>1</sup> An act amendatory to the election law was passed, whereby the qualifications of voters and members of the Commons were raised. The voter was required to have been a resident of the parish in which he offered to vote, and not merely a resident of the province, six months before the election, and to have a freehold of 50 acres of land, or to pay taxes for the sum of £50 current money of the province. The representative was required to be either a free-born subject of the kingdom of Great Britain, or a foreign person naturalized by act of Parliament of Great Britain: to have been twelve months resident in the parish he was chosen for, and to have a freehold in that parish of 500 acres of land, or to be worth £1000 in leasehold or in cash or stock. From these provisions the voters and representatives from the deserted parishes of St. Bartholomew's and St. Helena were, however, exempted. There was a proviso allowing one to be elected a representative for a parish who owned a settled plantation of 500 acres, with ten negro slaves living on the same under the care of at least one white man, in any other parish of the same county. No person receiving any salary or perquisite from the Lords Proprietors was qualified to sit as a member of the Commons.<sup>2</sup> In 1706 the building of wooden frame-houses in the town had been declared a common nuisance and prohibited, but now it was represented that bricks were not always to be had

<sup>1</sup> *Statutes of So. Ca.*, vol. III, 1.

<sup>2</sup> *Ibid.*, 3, 4.



but at such excessive rates as prevented the building up of waste places, and the act was repealed. Houses were allowed to be built of wood, provided the hearths and chimneys were of brick or stone. The act of the year before, for the encouragement of the importation of white servants, was found, so far from answering the purpose designed, to be "the chiefest discouragement" of their importation, and was also repealed.<sup>1</sup>

In April the province was further alarmed by news of activity on the part of the pirates in the West Indies; and it being probable that the *Shoram*, the war vessel that had come to Charles Town during the Indian troubles, would shortly be ordered elsewhere, the Commons House addressed the Deputy Governor and his Council upon the subject. They had received information, they said, that the Governor of St. Augustine had been advised by the Governor of Havana to be on his guard, as the pirates on the Bahama Islands designed to attack them. The Commons said that they did not suppose that such persons as the pirates had any regard to or made any difference or distinction between the people of any nation whatsoever, and they ought to provide for the safety and defence of the inhabitants of this province. The Commons conceived it to be proper to address Captain Howard, commander of his Majesty's ship, the *Shoram*, to desire him to stay some time longer with his ship, so as to deter the pirates coming here. They therefore desired the Governor and Council to appoint a committee of their House to form a committee of the Commons in a conference to draw up such an address to Captain Howard. For some reason the proposition was not acceded to by Daniel and his Council, and the *Shoram* sailed away to Virginia with orders to pro-

<sup>1</sup> *Statutes of S. C.*, vol. III, 6, 7.



ceed without delay to England, just at the time when there was most urgent need for her presence on the coast.<sup>1</sup>

But though Governor Daniel did not detain the *Shoram*, he promptly acted when, soon after, another party of pirates were taken. These were Stephen James de Cossey, Francis de Mont, Francis Roscoe, and Emmanuel Erandos, who were charged with taking the vessels the *Turtle Dove*, the *Penelope*, and the *Virgin Queen*, in July of the previous year, off the coast of Jamaica. Governor Daniel and his Council immediately issued a commission, appointing assistants to the Judge of Admiralty to try these men. The trial began on Monday, the 24th of June, and continued during the week. On Saturday, the 29th, the parties were convicted. They were sentenced on the 3d of July, and were executed.<sup>2</sup>

Notwithstanding the disastrous results of the attempted Scotch colony at Port Royal under Lord Cardross, and the immediate rising of the Indians at the instigation of the Spaniards upon the settling of the town of Beaufort, another proposition now came from Scotland to establish a colony between St. Augustine and the Carolina settlement. Sir Robert Montgomery proposed to the Proprietors to carry over at his own charges several families for settling and fortifying the most southern part of the

<sup>1</sup> *The Carolina Pirates* (S. C. Hughson); *Johns Hopkins Univ. Studies*, V, VI, VII, 64; *Commons Journal*.

<sup>2</sup> *Carolina Pirates*, *supra*, 65; *Admiralty Book*, U. S. Dist. Ct. of So. Ca., A and B.

The commission named as assistants to the Judge of Admiralty: Charles Hart and Francis Yonge, two of the members of the Council; the Hon. Alexander Skene; Hon. George Logan, Speaker of the Lower House of Assembly; Hon. Colonel Thomas Broughton; Ralph Izard, Esq.; Captain Philip Daves; Captain William Cuthbert, commander of the *Fortune* frigate; Captain Michael Cole, commander of the *Sarah* frigate; Samuel Dean, Edward Brailsford, and Charles A. Hill, merchants. Those whose names are in italics sat in this court.



province of Carolina beyond the Savannah, — thus to form a barrier to any sudden incursion of the Indians, — on the condition, however, that Sir Robert should be the Governor for life. The new province — for such, in fact, it was to be — was to consist of the territory between the Savannah and Altamaha rivers, and was to be known as the Margravate of Azilia.

The proposition was submitted by the Proprietors to his Majesty for his concurrence; for they now realized the delicate relations in which they stood to the Royal Government and were afraid to take such a step without the Royal approval, lest it might be construed as a violation of their charter. His Majesty referred the matter to the Board of Trade. To this board it was represented that the proposed colony would be a barrier against both Spaniards and Indians; that the commodities to be raised, varying from those then produced by the English plantations, would increase the revenue of the customs; would be to the advantage of the British trade to the Mediterranean; would be a check to the encroachment of the French; and would plant an honest English colony in the room of the horde of pirates at the Bahamas. The Attorney General's opinion was obtained that there was nothing prejudicial to the interests of the right of the Crown in the proposition, but he doubted whether the power of government granted to the Proprietors could be divided by them so as to exempt the new province from liability to the laws of South Carolina, which were made for the whole province. He suggested that it would be better for the Proprietors to surrender their powers of government to his Majesty in the territory to be erected into a new province, reserving to themselves the property in the lands,<sup>1</sup> a similar arrangement to that which then existed

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. II, 232, 233, 234, 256.





in Maryland in regard to the Baltimore patent.<sup>1</sup> This the Proprietors were probably unwilling to do, fearing that it was but an entering wedge to be inserted in their grant to the province at large. The suggestion of the Attorney General was not accepted by the Proprietors, and the scheme languished, but was apparently not altogether abandoned when the Proprietary Government was overthrown four years after. Then the Proprietors found themselves more willing to listen to the suggestion of the Attorney General. In 1720 we find Colonel John Barnwell, who was sent to England, as we shall see, by the Convention which overthrew the Proprietary Government, assisting the Proprietors with his information in regard to this territory and recommending the scheme. In 1720 he published a pamphlet in London, showing the title of the Proprietors to the territory and their right and authority to make the grant of the land contained in it, and in a letter written at the Carolina Coffee House, addressed to Sir Robert Montgomery, offers his testimony to the importance of his design and gives a glowing description of the country, especially of the islands on the coast. He writes:—

“As to the four Islands which you have assign'd to the Purchasers who are concerned in your settlement, they are called *St. Simon, Sapella, St. Catarina* and *Ogeeche*, to which last before I came thence I left the Name of *Montgomery*. You have given them a general Denomination which I think they may well deserve, of the *Golden Islands* for as to convenient Pasture, pleasant Situation profitable fishing and fowling they surpass any thing of that kind in all *Carolina*.” etc. :<sup>2</sup>

The project fell through, and it was left to Oglethorpe,

<sup>1</sup> *Maryland*, Am. Com. series.

<sup>2</sup> *An Account of the Golden Islands*, by John Barnwell, London, 1720.



fifteen years after, to establish the colony of Georgia in the place of Sir Robert Montgomery's Azilia.

In the meanwhile Governor Robert Johnson had arrived at Charles Town, and assumed the government. He met the General Assembly for the first time October 29, 1717. Unfortunately, however much personally esteemed his father, Sir Nathaniel, and himself were, he had come to sustain the tottering powers of the Proprietors, whose own folly and greed were to baffle his efforts and overcome whatever influence he might otherwise have exercised. Still more unfortunately for the peace and stability of his rule was the influence of Trott and Rhett, who stood before the people as more really, if less officially, the representatives of the Proprietors than himself. His first communication to the Assembly—speech as it was now termed—arrayed the Commons at once against him.

"Mr Speaker and Gentlemen,"<sup>1</sup> he said, "I have had the honor to be appointed your governor. I think it a peculiar happiness I am not a stranger to you, and that I have for many years been privy to all the public transactions that have passed both in England and here relating to the country which enables me the better to judge of your interests in order to be serviceable to this province. And I flatter myself I have had justice done me to be esteemed one that has been desirous and ready upon all occasions since my being in England to promote the welfare and prosperity of it to the utmost of my ability without partiality or private interest whenever I had an opportunity. And I hope a mutual confidence in each other's good intentions to promote the public welfare will be the consequence of our acquaintance."

To all of these, no doubt, the Commons cordially responded, for the Speaker was much beloved. But now he came to the point of difference:—

"I am obliged for your sakes," he continued, "to give you my opinion touching the disrespectful behaviour that has of late been shown to the Lords Proprietors in not consulting them in the applica-

<sup>1</sup> *Commons Journal* (MSS.).



tions and remonstrances in England. Such proceedings were very unjustifiable and impolitic. It disconcerted the measures their Lordships had taken of employing their utmost zeal and interest to serve you. And you must allow had they been consulted from time to time they were better judges than you can be how to make a proper application. Their Lordships notwithstanding the emissions from hence and vain attempts upon their prerogatives like good christians and patriots commiserated the calamity this province has laboured under, and when ever they could understand what your requests were, have more than once (particularly our Palatine) personally laid your remonstrances and supplications before his sacred Majesty. If it be supposed their charter is a bar to your relief, it is a mistake. His Majesty and his Parliament are too just to divest their Lordships of their properties without a valuable consideration," etc.

"Let me therefore Gentlemen recommend to you," said the Governor, "a dutiful and respectful behaviour to them that we may merit their interest favour and protection which you may then be assured of, an earnest of which their Lordships have already shown by their donation to the public of all the arrears that are due to them, whether from lands sold or for rent and all growing rents that shall become due to the first May 1718, the charges of the civil government only deducted."

He recommended several matters to their immediate consideration: the providing for the defence of the country for the ensuing year, the acts upon the subject being about to expire; the repairing of the fortifications of Charles Town and Johnson Fort. He advised them to find some more effectual method to prevent fraud in packing pitch, and for the better hulling and cleaning of rice, for want of which these commodities bear but a low price in proportion to those of other countries at home, *i.e.* in England; to consider the deplorable condition the public credit, trade, and the colony in general are reduced to by the currency of so great a quantity of paper money, and to fall on some sudden and effectual means to remedy the same.

"The Lords Proprietors," the Governor said, "expect



their former price of *three* pounds per hundred acres of land, according to an act of 6 of Queen Anne. The great disproportion the money now has, has obliged me and my Council to give orders to the Receiver General to take *twelve* pounds per hundred acres being now but an equivalent. That order I hope will be but of short duration since I promise myself you will concur in some measures to make the money better."

He advised them to make the acts of Assembly more generally useful "by their being methodized fit for the press" and sent to England to be printed; to consider seriously of the very great rates of all provisions in Charles Town, to remedy which he advised the Assembly not only to regulate the prices of butcher's meat in the town, but also to lay a duty on the exportation of all provisions, rice only excepted; and to take off any duty then on any provisions imported. This, he added, will enable us, if there should be occasion, to assist Sir Robert Montgomery or any other new settler. He wished a state house and public prison built, for want of the latter of which he said criminals and debtors escaped daily, to the impoverishment of creditors, to the great detriment of trade and encouragement of offenders, to the eluding of justice, and endangering the public peace.

But, above all, he recommended to the Assembly to let true religion and virtue be their constant care, which he doubted not would naturally induce them to bring in a bill for the better support and maintenance of the clergy, and thereby give sufficient encouragement for good, pious, and learned men to come among them.

The committee appointed to answer this address were instructed by the House to "touch slightly (but not by way of argument or submission) on what the last two Assemblies had done heretofore in addressing his Majesty to take the province under his protection. And as to the





donations of the Lords Proprietors to the said province that they take notice of the design of the House to consider thereof at the proper time.”<sup>1</sup> They did not regard the taking £12 for £3 as a donation. But if there were right and justice in any matter on the part of the Proprietors, it was surely in this. They had agreed to let their lands for £3 per hundred acres at a time when the value of the pound in currency was equal, or nearly so, to the pound sterling.<sup>2</sup> They were objecting to the emissions of paper money in Carolina on general public grounds, to which the Governor’s speech called the attention of the Assembly; they certainly were not called upon themselves to take the objectionable paper which now would pass only at the rate of four to one—that is to say, twenty shillings for five<sup>3</sup>—in payment of the pound for which they had bargained. But the House was in a quarrelsome mood, and sneered at the munificence of the surrender of their arrears by the Proprietors, which, by the Governor’s notice, was now limited to extend only to the 3d of May, 1715. The Assembly declined the donation. Governor Johnson was anxious that they should accept it, and desired them to order a rent-roll made for the benefit of the Proprietors. “As the Assembly is to pass wholesome laws,” he said, “even to private persons, much more to the Lords Proprietors who are our masters!” The Assembly took offence at this and replied: “We cannot but approve of your Honor’s care of these Lordships’ interests who are, as you say, *your* masters.” “If you look over their charters,” was the answer, “you will find them to be *your* masters likewise.”<sup>4</sup>

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 281; *Commons Journal* (MSS.).

<sup>2</sup> *Statutes of So. Ca.*, vol. II, 709.

<sup>3</sup> *Hist. Sketches of So. Ca.* (Rivers), 280, note; *Council Journals* (MSS.).

<sup>4</sup> *Ibid.*, 281.



Among the measures for the defence of the colony which had been adopted immediately after the raid of the Spaniards and the destruction of Lord Cardross's colony, was the passage of an act providing for the maintenance of a store of powder. In those days all merchant ships, as well as others, were more or less armed for their defence against pirates, and carried a supply of ammunition. The act levied a tax in kind upon powder from every ship entering a port of the province; and in case of failure to deliver this tax in kind, the ship was assessed £9 for every ton which the ship measured. The Governor was authorized by this act to appoint a person to receive the powder, or its equivalent in money. The act was amended from time to time, reducing the amount of the tax, but continuing the plan for maintaining a store of powder for emergencies. But as in the case of the Receiver General in his father's administration, the Assembly had taken the appointment of this officer to themselves. Governor Johnson, determined to gather in as far as possible all powers yielded to the Assembly in former administrations, took the opportunity of the appointment of this officer to try conclusions with that body, and to regain the ground lost for the Proprietors on that occasion. The House had elected Colonel Michael Brewton to be powder-receiver. "The keys of the magazine," said Johnson, "shall be kept only by the officer appointed by the Governor who is military chief, and grants commissions; the House shall forthwith order the keys delivered to Maj. Wm. Blakeway whom he has commissioned commander of the fortification and to take charge of the magazines which office cannot be separated from that of powder receiver." The House refused to proceed in business if this demand was insisted upon, and prepared



an advertisement to be made public in such a case. The Governor partly yielded, and proposed for the sake of peace that both officers might be appointed. "My officer shall keep the magazine and give receipts to your officer for all powder delivered into his keeping." "What is the use," replied the House, "of a powder-receiver who don't keep the powder?" "But I insist on keeping it," said Johnson, "for I am his Majesty's the King's Lieutenant." The following advertisement was immediately fixed up at the watch-house by order of the Assembly:—

"Whereas in and by an act entitled an act declaring the right of the House of Commons for the time being to nominate the Public Receiver and duly ratified in open Assembly the 5th day of July 1707, among other things therein contained, it is enacted that the power right and authority of nominating and appointing the public receiver, and comptroller, powder receiver and all such officers who receive a settled salary out of the public treasury of this province, shall always remain and be solely in the disposal of the House of Commons for the time being, who shall put out, call to an account, and put in place from time to time all such officers according to their discretion: and whereas this present House of Commons did on Saturday the 7th of December instant nominate and appoint Col. Michael Brewton to be powder-receiver in this province, and in that station to act and do in all things as the laws thereof now or hereafter to be in force shall direct and order him:—These are therefore to give notice and require all masters and commanders of ships and vessels, liable by law to pay any powder to the powder-receiver, who shall after the date hereof clear out and depart this province, that they pay the powder due and payable according to law for the several respective ships they shall happen to be masters or commanders of, unto Colonel Michael Brewton appointed powder-receiver as aforesaid, and to no person else inhabiting in the same whatsoever, as they will answer the contrary by being prosecuted as the law directs. Signed by order of the House. George Logan Speaker."<sup>1</sup>

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 282, 283.



But notwithstanding these disagreements between the Governor and Commons, some legislation was accomplished at this session. Above all things, the Governor had recommended to the care of the Assembly the maintenance of true religion and virtue and the support of the clergy. To this the Assembly responded without religious controversy. They erected another parish in the upper part of St. Andrew's, to be called St. George's,<sup>1</sup> and passed an act for the further encouragement of the clergy of the province by advancing their salaries, by which the rector of St. Philip's, Charles Town, was given an additional salary of £100 per annum, and the rectors of the other parishes £50.<sup>2</sup> An elaborate act for the better governing and regulating of white servants was also enacted.<sup>3</sup> By another, the Governor was empowered to enlist 140 men, to be drawn from the companies throughout the province, and to organize them for its defence.<sup>4</sup> An additional act to that for laying an imposition on liquors, goods, and merchandise, of the 30th of June, 1716, was passed, by which the duty of £30 on each slave brought into the province was continued and certain doubts in regard to the same were removed. A new feature of the act, which was to be another cause of difference with the Proprietors, was that all liquors, goods, negroes, wares, merchandise, imported into the province in any ship or vessel owned by the inhabitants of the province and built in the province, were declared free of all duties; and all such goods, etc., imported in ships or vessels built here, whose owners lived out of the province, should be liable to but half duties; and goods imported in ships or vessels built out of the province, but owned by inhabitants of it, were liable to but three-

<sup>1</sup> *Statutes of So. Car.*, vol. III, 9.

<sup>2</sup> *Ibid.*, 11.

<sup>3</sup> *Ibid.*, 14.

<sup>4</sup> *Ibid.*, 23.





quarters duties.<sup>1</sup> An additional act was also passed to continue the currency of the bills of credit.<sup>2</sup>

The pirates were again on the coast and demanded the attention of the new Governor.

<sup>1</sup> *Statutes of So. Ca.*, vol. III, 32.

<sup>2</sup> *Ibid.*, 34.



## CHAPTER XXVI

1717-18

BEFORE sending Captain Rogers and his small fleet to New Providence, the King had issued a proclamation promising pardon to all pirates who should surrender themselves within twelve months. This proclamation was published throughout Carolina. On the 3d of December, 1717, Governor Johnson sent in a message to the Commons upon the subject.

"His Majesty," he said, "being pleased to issue out his Royal Proclamation extending his pardon to all pirates that shall lay hold on the same, and surrendering themselves according to the time limited in said proclamation; and we having several of our inhabitants that unwarily and without due consideration have engaged in that ill course of life and are now resident at the Bahama Islands, and other places adjacent, I think it a duty incumbent on me, with all speed to send his Majesty's proclamation thither to let our people see that they may return hither again in safety to us, if in time they embrace his Majesty's royal favor; therefore some proper person must be thought of to carry this proclamation to them; and Col. Parris being willing to undertake the same (who is very well known to all the inhabitants of this Province) if you can spare him from the Public business; I shall give him my instructions accordingly."<sup>1</sup>

<sup>1</sup> *Commons Journal* (S. C. Hughson), *Johns Hopkins Univ. Studies*, 2 series, V, VI, VII, 67. In the following account of the operations of



There is no record that Colonel Parris ever went to the Bahamas with the King's proclamation, or of the acceptance of its offers by any of the inhabitants of Carolina, who had so "unwarily" engaged in that ill course of life; nor is there any record of the numbers who had left the province for that purpose. There is no reason to believe that there were many. Governor Johnson speaks of them as "several," which may be any small number more than two; but there were not enough to arouse sufficient interest to induce further action in regard to the matter of their pardon. The author of the essay upon the subject to which we have had repeated occasion to refer is mistaken in supposing that Governor Johnson referred to Carolinians in his communication to the Proprietors, in which he complains that the proclamation of peace had worked no good effect upon the pirates, as they shortly returned to their evil courses. The Governor was, in this letter, speaking of the pirates generally: there is no allusion in this paper to any from Carolina. In a community in which there were constantly new-comers, adventurers from all parts of Europe and America, it would have been strange if there had not been some ready to join in the wild life of the buccaneers, which had, until so recently, been encouraged by the powers that were now attempting to suppress them. There were no doubt some such, as observed in the introductory chapter, but the title of the essay to which we have referred, to wit, *The Carolina Pirates and Colonial Commerce*, is misleading. Pirates infested the coast of Carolina: but they were in no sense Carolina pirates. Of the forty-five who constituted the

the pirates on the Carolina coast, the resistance of the colony and their ultimate defeat, the facts are taken generally from this most exhaustive study of the subject by Mr. Hughson, and his statement often followed with but little change in phraseology.



party taken in 1699, there were Englishmen, Frenchmen, Portuguese, and Indians, but no Carolinians: among the thirty-eight pirates seized and brought into Charles Town for trial 1716-18, there were but three who claimed to have been formerly inhabitants of the province. Upon their trials one of these was acquitted; two were among the convicted. Judging from the citizenship of those who were taken and tried, and most of whom were executed, it would have been more in consonance with the facts to have spoken of them as British pirates on the coast of Carolina. They came from England, Scotland, Ireland, and the West Indies.

Captain Rogers arrived at New Providence in July, 1718, and took possession of the colony for the Crown. He found a large number of pirates there, most of whom surrendered and took the oath. But one, Charles Vane, refused to do so. He pursued a more desperate course. When he heard that Rogers had arrived off the bar, he wrote him a letter offering to surrender, on the condition that he would be permitted to dispose of what spoil he had in the manner that suited himself. Receiving no assurances, he determined to escape. In crossing the bar, he was met by two of Rogers's vessels, with whom he exchanged shots, and, after several exciting adventures, succeeded in getting safely to sea with ninety men, in a sloop belonging to one of his officers named Yeates, and made for the Carolina coast, where he engaged in several piratical exploits. While the action of the British authorities did much to relieve the West Indies, it greatly aggravated the situation in Carolina, at the instance of the colonists of which the expedition had mainly been undertaken. Finding themselves driven out from New Providence and the Bahamas generally, the pirates established themselves on the North Carolina coast; and, before many months





had passed, they swarmed into the Cape Fear and Pamlico rivers in greater numbers than the government of that weak colony could possibly oppose.<sup>1</sup>

While Rogers was on his voyage to New Providence, early in June, Edward Thatch,<sup>2</sup> who, under the sobriquet of "Black Beard," had spread terror along the entire North American coast, suddenly appeared off Charles Town with a powerful equipment, and began a series of most flagrant outrages. It is said that he had come in under the King's proclamation in January, and surrendered to Governor Eden of North Carolina; but the temptations of the old free life proving too strong, before the end of the winter he again fitted out from North Carolina, and was once more harrying the coast, and capturing vessels of all nations. It was during one of these cruises that he visited the Bay of Honduras, where he met Stede Bonnet, late of Barbadoes, and the two returned to Carolina together, taking numerous prizes by the way. From the captured vessels he recruited his force so that by the time he reached the South Carolina coast he was in command of a fleet consisting of a ship of more than forty guns, and three attendant sloops, on board of which were above 400 men.

On the 18th of June, 1718, Governor Johnson writes to the Proprietors: "About fourteen days since, four sail appeared in sight of the town, immediately took the pilot boat which was stationed on the bar, and in a few days took eight or nine outward-bound vessels with several of the best inhabitants of Charles Town on board."<sup>3</sup> Among the passengers thus taken was Samuel Wragg, a member

<sup>1</sup> S. C. Hughson, *Johns Hopkins Univ. Studies*, 2 series, V, VI, VII, 66.

<sup>2</sup> Also spelled "Teach," but Hughson, whom we closely follow in this account, adopts the spelling in the text.

<sup>3</sup> *C. H. Hist. Soc. of S. C.*, vol. II, 236.



of the Council of the province, and his son William, then but four years of age, who became one of the most distinguished men in the American colonies, and to whose memory there is a tablet in Westminster Abbey.- How the pirates became aware that they had made so distinguished a prisoner, says Hughson, is not known; but, having ascertained the fact, they determined to make the best of their good fortune. At this time the fleet was in need of certain medicines, and Thatch directed his surgeon to prepare a list of the desired articles, and sent him to demand them of Governor Johnson. Arming a boat, he sent it up to the town in command of one of his officers named Richards. The officer was accompanied by a Mr. Marks, a captured citizen who was ordered to lay the situation before the Governor, and to inform him if the necessary supplies were not immediately forthcoming and the men permitted to return unharmed, the heads of Mr. Wragg and the other Charles Town prisoners would be sent to him. Marks was given two days to accomplish his mission, and the prisoners, who had been acquainted with the demand, and the penalty of its refusal, awaited, it may well be imagined, with the most intense anxiety the return of the embassy. Two days passed, and the party did not return. Thatch suspected that his man had been seized by the Governor, and notified Wragg that the other prisoners and himself should prepare for immediate death. He was persuaded, however, to stay this cruel order for at least a day, and, while awaiting the expiration of that time, a message was received from Marks that their boat had been overturned by a squall, and that, after many difficulties, they had succeeded in reaching Charles Town. This explanation satisfied Thatch for a while, and he gave the prisoners the freedom of the vessel until the third day, when, losing patience, he again swore that he



would be revenged on the colony for the supposed arrest of his men, by putting Wragg and their other captive to death. The story is told by Johnson in his *History of the Pirates*, that, in order to save themselves, the prisoners agreed to pilot the fleet into the harbor and assist Thatch in battering down the town; but Hughson, in his study of the subject, very properly discredits the story. Wragg's high character would, of itself, be a sufficient ground for refusing it belief unless substantiated by higher evidence than that of the pirates themselves. It is not improbable that the pilot captured off the bar would have been forced to bring in their ships had the pirates so desired; but it is altogether improbable that Thatch would have ventured his forty guns against the 100 which lined the fortifications of the town, and risked his vessels in the harbor where Governor Johnson and Rhett would have had him under such disadvantage. He could enforce his terrible threat upon the lives of valued citizens without danger to himself, as he lay outside the bar; to have come in would have lessened his power over his prisoners, and endangered his own safety.

In the meantime the greatest consternation prevailed in the town. The friends of the captives were strong and numerous. Would the Governor sacrifice their lives rather than allow these people, even though they were pirates, a few dollars' worth of medicines? Might he not now save the lives of valued citizens, and afterwards avenge the insult to the province? Governor Johnson convened his Council and laid the situation before it. The demands of the pirates were acceded to. The medicines were prepared without delay, and in a few hours Marks, accompanied by his guard, was on his way to the bar. A large quantity of rich spoil having been secured from the captured vessels, Thatch sent Wragg and the rest of the



prisoners ashore in a half-naked condition. After suffering numerous hardships they made their way back to Charles Town, glad to escape with their lives. Thatch is said to have secured \$6000 in specie from Wragg alone.<sup>1</sup>

From Charles Town Thatch went to North Carolina, where he remained for some time in comparative idleness; then, resuming his course, his depredations were extended up the coast as far as Pennsylvania, not infrequently visiting Philadelphia. His career was, however, soon ended. His crew was captured and himself slain by a party organized by Governor Spotswood, of Virginia, and fitted out to clear the coasts of that province.

In his letter of the 18th of June, Governor Johnson had appealed to the Board of Proprietors for a frigate or two to cruise about for the protection of the Carolina commerce. "Hardly a ship goes to sea," he wrote, "but falls into the hands of the pirates."<sup>2</sup> But no assistance came. During the summer the pirates gave little trouble to the few vessels which sailed with their indifferent cargoes; but as soon as the autumn set in, familiar as they were with the Carolina trade, they began to prepare for active operations, as it was at that season when the rice and other products of the province brought the rich merchantmen to the town with their goods and specie for exchange. During the months of September and October their career found its culmination in a series of exploits unparalleled in audacity since the days of the previous century, when the buccaneers in the West Indies, under the leadership of the infamous Henry Morgan, held the seas against the fleets of the then powerful kingdom of Spain.

In company with Thatch on several of his cruises, in-

<sup>1</sup> Hughson, *ante*.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. II, 257.





cluding that off Charles Town harbor just related, there had been one, the most remarkable of all the sea robbers of this period, and whose destiny it was to perish upon the gallows in the town he with Thatch had so insulted. This was Major Stede Bonnet, the last man, as it has been said, who could have been expected to have launched out upon such an abandoned and desperate career. A man past the meridian of life, of good antecedents, possessed of wealth, and of a considerable degree of education and refinement, as such accomplishments were in those rude times, there was every reason for him to remain at home and end his days in peace and honor. He had served with some distinction in the Army of Barbadoes, had been honorably retired after attaining the rank of Major, and was residing at Bridgetown at peace with all the world, and in good favor with the citizens of that thriving colony. Besides this, Bonnet had no knowledge of the sea, and knew so little of the requirements of a sailor's life that his first experiences resulted only in disaster. Indeed, it was said, and probably with truth, that his mind was disordered.

It was early in the year 1717 that Bonnet began his piratical career. Being a man of wealth, he had no difficulty in finding such a vessel and equipment as he desired; and one dark night, in company with a crew of seventy desperate men, he sailed across the Bridgetown bar in a sloop of ten guns, which he had named the *Revenge* — a name, as it has been observed, common in all the pirate fleets of that time. He made directly for the Capes of Virginia, and stationed himself in that great highway of commerce. In a few days he had taken a number of merchant vessels, several of which he burned after plundering them and sending the crews ashore. Preying for a time upon the commerce of New York and



New England, Bonnet sailed for South Carolina, and came off the bar of Charles Town in August, 1717. He had not waited here long before a sloop belonging to Barbadoes hove in sight, followed almost immediately by a New England brigantine. The brigantine he sent into Charles Town after relieving her of all her valuables; the sloop he retained for his own use, dismissing the crew.

The brigantine had scarcely crossed the bar of Charles Town when Bonnet weighed anchor and set sail for the coast of North Carolina to refit his vessel for another cruise. The Barbadian sloop he burned. After refitting the *Revenge*, Bonnet again put to sea, but without any definite determination as to his course. His men had discovered his ignorance of nautical affairs soon after leaving Barbadoes, and it was only by the influence of his superior courage and by means of threats and frequent punishments that Bonnet prevented an open mutiny. The *Revenge* was now steered for the Bay of Honduras, the great rendezvous of pirates. Here Bonnet met Thatch, and the two entered upon a cruise together. Thatch, soon perceiving that Bonnet knew nothing of seamanship, and deeming him an unsafe man to be in command of so fine a sloop as the *Revenge*, coolly deposed him, and placing Richards, one of his own officers, in charge, he took Bonnet on board his own vessel, where he gave him a position of ease and security. Bonnet, however indignant, was powerless to resist. Thatch, with a desperate crew in sympathy with him and sharing his contempt of Bonnet, was all-powerful.

The first prize taken by Thatch's newly organized squadron was the *Adventure* from Jamaica, whose master, David Herriot, himself joining the pirates, was destined to play a tragic part in Bonnet's subsequent career. Bonnet, willingly or unwillingly, was in company with



Thatch on several cruises, including the celebrated one off Charles Town harbor in June, 1718, after which he sailed in the same fleet to Topsail Inlet, North Carolina, where the company was disbanded.

Thus released from the control of Thatch, Bonnet was enabled to resume command and proceed to sea on his own responsibility. Availing himself of the King's proclamation of the year before, he proceeded to Bath, where he surrendered to Governor Eden, took the oath, and received a certificate of pardon. At the same time, he procured a clearance for his vessel for the Island of St. Thomas, announcing his intention of applying for a commission there as a privateer against the Spaniards. Thus armed with clearance papers and a pardon by a legally constituted authority, in the name of his Majesty, Bonnet was prepared to continue his career of crime and bloodshed under better auspices than those enjoyed by any pirate since the time that Kidd sailed from England with the personal sanction of King William himself. Returned to Topsail Inlet, he rescued a number of sailors who had been marooned by Thatch, — that is, put ashore on a desert island and abandoned, — and shipped them on the *Revenge* under the pretence of taking them to St. Thomas. Having thus procured a good crew, having himself attained considerable proficiency in seamanship, and secured the confidence of his men by his good fighting qualities, he determined first to avenge himself upon Thatch. But Thatch had sailed away. Learning that he had gone up the coast, Bonnet followed fast after him, but his quest was unsuccessful; and after cruising about for a few days, he proceeded to the coast of Virginia. On this expedition, Bonnet appointed David Herriot as sailing-master of his sloop. Bonnet at this time changed his name to that of "Captain Thomas," — probably from



fear of the consequences if captured after having so recently accepted the King's pardon. He changed also the name of his vessel to that of the *Royal James*. Having thus prepared himself for the most desperate enterprises, Bonnet announced his true intentions to his crew and declared his purpose to sail up the coast toward New England in search of booty. This announcement was said to have been a surprise to some of the men, and some who were afterwards captured were acquitted on their trial upon the ground that they had not assented to the piracy. Bonnet proceeded up the coast, committing several piracies, and, sailing into Delaware Bay, took several valuable merchantmen and terrorized the whole country. Among the captures in Delaware Bay were those of the sloop *Francis*, Captain Peter Manwaring, and the sloop *Fortune*, Captain Thomas Read. These captures were profitable ones, and, satisfied with the result of this cruise, Bonnet returned to Cape Fear, where the fleet arrived in August, 1718, and immediately set his men to overhauling and repairing the sloop for another expedition.

Governor Johnson and the people of South Carolina were burning with the desire to avenge the insult inflicted upon the colony the June before; and though the province was greatly reduced financially by the expenses of the Indian wars, they determined to expend every energy in driving the freebooter from their coast. When the news, therefore, reached the Governor that the pirates were rendezvousing at Cape Fear, it was at once determined not to await their appearance again off the bar of Charles Town, but to seek them out in their place of refuge and destroy them.

Colonel Rhett's seamanship came again to the assistance of the colony. He waited upon the Governor and asked





permission to fit out two vessels against the pirate, who, rumor said, was in fighting trim with a sloop of ten guns and a hardy crew of sixty men. A commission was issued to Rhett, and he pressed into service two sloops,—the *Henry*, Captain John Masters, and the *Sea Nymph*, Captain Fayrer Hall. The *Henry*, the larger vessel of the two, was fitted with eight guns and seventy men, and was selected by Rhett as his flagship. The *Sea Nymph* carried the same number of guns and sixty men.

On September 10 Colonel Rhett went on board the *Henry*. But just as he was about to weigh anchor, the immediate object of his expedition was suddenly changed by a piece of startling intelligence. A small sloop, with one Cook in command, belonging to Antigua, came into port, and reported that she had been overhauled and plundered by the most famous pirate of the times, Charles Vane, who had just escaped, as we have seen, from Rogers's fleet, and who now lay in front of the harbor with a brigantine of twelve guns and ninety men. Cook also reported that Vane had captured two other vessels bound for Charles Town, one a Barbadian sloop, Captain Dill commanding, and the other a brigantine from the Guinea coast with a cargo of over ninety negroes. The negroes had been removed from the brigantine and placed on board a sloop commanded by Vane's companion, Yeates, which Vane had been using as a tender. Yeates, finding himself in charge of a good sloop with several guns, a crew of fifteen men, and a valuable cargo, determined to desert Vane, and accordingly at midnight sailed away to the south. Vane discovered the treachery before many hours, and was in hot pursuit, but finding no traces of the fugitive, he had returned to Charles Town just in time to intercept four vessels bound out for London. Two of these escaped and continued their voyage, but the *Nep-*



*tune*, Captain King, carrying sixteen guns, and the *Emperor*, Captain Power, with ten guns, were both taken, with valuable cargoes.

The immediate object of Rhett's expedition was thus changed; on the 15th of September, Rhett crossed the bar, and, having learned from Cook that Vane intended going into an inlet to the south to repair, he stood down the coast for several leagues, scouring the rivers and creeks without success; and, finding no signs of the pirate, and believing all danger from this quarter to be past, he proceeded to the execution of his original design without returning to make report to Governor Johnson.

In the meantime, Charles Town had again been thrown into a state of agitation by the news of the landing of a party of pirates at some distance to the south. The intelligence was brought by no other than one of the pirate crew; and when it was learned that such a character had arrived and requested an audience with the Governor, the people, remembering a similar embassy which had been sent on by Thatch some months previous, were seized with great consternation. It was soon learned, however, that the pirate's errand was a peaceful one. He informed Governor Johnson that Yeates, who had escaped from Vane, had put into North Edisto River with his cargo of negroes, and wished to know if pardon would be granted him and his crew if they came to the city, delivered up the negroes, and took the oath of allegiance. An affirmative reply was returned, and shortly afterwards Yeates and his fifteen men came in with the negroes, delivered them to the authorities, and received their certificates of pardon.

Rhett sailed for Cape Fear about September 20. He spent some time in exploring the coast in search of Vane, and it was not until the evening of the 26th that he



sighted the great headland from which North Carolina's chief river derives its name. The mouth of the stream was obstructed by sand bars which could not be crossed with safety without an experienced pilot, and the pilot whose services Rhett had engaged seems to have had no knowledge whatever of the channel. The sloops had scarcely entered the mouth of the river when both ran aground, but not before they had sighted the topmasts of the pirate and his two prizes over a point of land some distance up the stream. Rhett could not get his vessels afloat until late in the night, and was therefore compelled to wait for dawn before making any hostile movement.

The pirates were not found off their guard. The watch, posted to give timely warning of the approach of any vessel, reported the appearance of Rhett's fleet immediately after it crossed the bar. In the growing dusk it was impossible to distinguish whether or not they were merchantmen, and Bonnet, or Thomas, as he now called himself, manned three armed boats and sent them to reconnoitre. They had not come within gunshot when, perceiving the character of Rhett's ships, they hastened back to the *Royal James* and reported the result of their observations.

Bonnet understood at once that the break of day would bring on a fight that would be to the death, and he began preparations immediately for the heaviest combat of his piratical career. All night the crew, incited to constant vigilance and unceasing labor by alternate threats and promises, worked clearing the decks and making ready for action.

On board the *Honey* and the *Sea Nymph* no less active preparations were made. When Bonnet's men came down the river early in the evening, the South Carolinians antici-



pated an immediate attack, and, fearing that it might yet be made, they lay on their arms all night.

The sun had barely risen above the headlands which command the entrance to the river, on Saturday the 27th, when the South Carolinians, looking across the point of land behind which the pirates lay, saw the sails of the *Royal James* being run up the masts and heard the rattle of the chains as the anchors were hoisted to the deck. A moment later the pirate craft swung round before the breeze, which was blowing straight off the land, and with all sail set came flying down the river in the attempt to pass the place where the two sloops lay at anchor.

Bonnet's design was evident. He saw that his opponents outnumbered him two to one, and he determined to maintain a running conflict as he drove through to reach the open sea. Rhett saw his purpose, and both sloops weighed anchor and made for Bonnet as he rounded the shelving point of land. Taking a position on either quarter of the *Royal James*, with a view to boarding, the *Henry* and the *Sea Nymph* bore down in such a direction as to force Bonnet to steer close to the shore. Rhett had planned this movement without any knowledge of the river, and it proved as disastrous to his own vessels as to that of the enemy. In a few moments the *Royal James* was aground, and the attacking sloops, unable to come about with sufficient dispatch, ran into the same shoal water, and were soon hard and fast on the sandy bottom of the channel. The *Henry* grounded within pistol shot of the pirate, on the latter's bow, while the *Sea Nymph*, in her endeavor to cut off the flight, struck the bank so far ahead as to be completely out of range, and was of no service until five hours later, when she floated off on the rising tide.

As soon as it was found impossible to get the *Henry* afloat, Colonel Rhett gave orders for a heavy fire to be





opened, and the sloop, with her ten guns, began pouring broadsides into the pirate, while the crew kept up a continual fire with small arms, which did almost as much execution as the heavier fire from deck. During this part of the fight the South Carolinians were at a tremendous disadvantage. When the *Henry* and the *Royal James* went aground, both careened in the same direction, so that the deck of the pirate was turned away from the *Henry*, while every foot of the latter's deck was mercilessly exposed. The heavy shot from the South Carolinians could only take effect on the hull of the pirate, while their own deck could be swept from end to end at every discharge. Lying in these positions, the two vessels maintained for five hours a continuous and bloody contest. The South Carolinians, though under the most trying conditions, conducted themselves with the most dauntless courage. Exposed as was their position, it would seem certain death to man the guns; but notwithstanding this, every man stood to his post without a thought of flinching, and the conflict was not permitted to languish for a single moment.

The pirates saw their advantage from the beginning, and availed themselves of it in every possible way. For some time it seemed certain that the victory would be theirs, and, in spite of the spirit displayed by Rhett and his men, Bonnet considered it but a matter of a few hours when the pirate ensign would triumph over the colors of the King. They "made a wiff in their bloody flag," says a contemporary account, "and beckoned with their hats in derision of our people to come on board them; which they only answered with cheerful huzzas and told them it would soon be their turn."<sup>1</sup>

<sup>1</sup> Mr. Hargison, whose graphic story of this battle between the South Carolinians and the pirates we have taken almost *verbatim*, says, in a note,



Both sides were confident; but the pirates, who enjoyed such an advantage at the beginning of the conflict, had a great disappointment in store for them. The issue of the battle now depended on the tide; victory would without doubt be with the party whose vessel was first afloat. For five hours the flood poured up the river, and it was late in the day before it was high enough to lift the vessels from their stranded positions. The pirates understood the situation fully, and one can imagine the consternation which seized upon the crew of the *Royal James* when they saw the *Henry* slowly righting herself as the rising flood swept higher and higher around her bows. Many of the crew declared for immediate surrender, but Bonnet refused to listen to such counsel. Under the stress of excitement, the courage which failed him so ignominiously at the last was roused to a desperate pitch. He swore, according to the testimony of one of his party who turned State's evidence, he would fire the ship's magazine and send the entire crew to the bottom before he would submit; and, drawing his pistols, he threatened to scatter the deck with the brains of any man who would not resist to the last should Rhett attempt to come on board. Bonnet's courageous conduct did not avail, however. There were spirits in her crew as determined as he, who preferred to take the

that his account is taken from a pamphlet written from Charles Town, and published in London in 1719, entitled *Tryals of Major Stead Bonnet and Other Pirates*. The account of these trials given by Howell (*State Trials*, vol. XV, 1231), he observes, is evidently taken from this pamphlet. Mr. Hughson states that through the courtesy of Mr. Daniel Ravenel of Charleston he had been enabled to make full extracts from this rare publication. Through the courtesy of Mr. Daniel Ravenel, son of the former, the author of this work has been enabled also to peruse this valuable pamphlet, and thus to verify Mr. Hughson's admirable account of the battle, which he has adopted.



chances of a trial or a pardon rather than to brave the death a further resistance would immediately incur, and surrender was determined upon.

While the pirates were angrily debating the course they should pursue, Rhett set his crew to work and temporarily repaired the damage sustained by the rigging; and, assuring himself that the hull of the *Henry* was intact, he stood for the *Royal James* with the intention of boarding her promptly if this should be necessary to force a surrender. At this juncture, however, a flag of truce was received, and, after a few minutes of parley, the *Royal James* surrendered unconditionally. On boarding her, Rhett, who had not known who was the pirate chief, was surprised to learn that his captive—Captain Thomas, as he was styled—was none other than the notorious Stede Bonnet, whose name was now known along the coast of every colony from Jamaica to Newfoundland.

As the *Henry* had borne the brunt of the fight, her loss was far greater than that of her companion sloop. She had ten killed and fourteen wounded, several of whom died afterwards of their injuries. The *Sea Nymph* had two killed and fourteen wounded. Several of the wounded of this vessel also died subsequently, for Judge Trott, in passing sentence upon Bonnet, stated that eighteen South Carolinians had lost their lives in this expedition. The pirates, in consequence of their sheltered position, suffered much less severely. Seven of the crew were killed and four wounded, two of whom died soon afterwards. There is a tradition that Rhett was shot through the body, but circumstances do not countenance the story.<sup>1</sup>

When the struggle of the 27th was at an end and

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 285, note.



Rhett examined his little fleet, he found that it had been much injured by the pirate guns, and would require considerable repair before it could be trusted to stand the return voyage down the coast to Charles Town. He accordingly remained at Cape Fear for three days, and on September 30, with the *Fortune* and the *Francis*, which had been taken by Bonnet, and the pirate sloop as prizes, sailed for Charles Town, where he arrived on October 3, "to the great joy of the whole province."

Two days later Bonnet and his crew of over thirty men were landed and delivered into the custody of Captain Nathaniel Partridge, the Provost Marshal of the province. There was no prison in the province, — Governor Johnson, it will be remembered, had called attention to this want, — there was only a watch-house, which stood where the old postoffice now stands. All of the pirates but Bonnet were placed in this guard-house with a military guard posted over them. The authorities agreed to permit Bonnet to remain in the custody of the Marshal at the latter's residence, two sentinels being placed on guard at the Marshal's house every evening at sunset. A few days later David Herriot, the sailing-master, and Ignatius Pell, the boatswain, who had agreed to become evidence for the Crown, were also removed to the residence of the Marshal.<sup>1</sup>

<sup>1</sup> Preface to *Tryals of Major Stede Bonnet, etc.* (pamphlet).





## CHAPTER XXVII

1718-19

UPON the capture of the pirates De Cossey and others the year before, Governor Daniel and his Council had proceeded under the act of 1712, which had made of force in this province the statute of Henry VIII. It appears to have been deemed advisable, however, before proceeding to the trial of Bonnet and his crew, to revise that act, and the Assembly must have been called together for the special purpose, for the act adopted the 17th of October, 1718, was the only one enacted at that time. There are no existing journals of this year, however, to show that this was positively so. The title of the act indicates that it was passed to meet an immediate emergency. Its title is "*An act for the more speedy and Regular Trial of Pirates.*"<sup>1</sup> It provided that a commission, in the name of the Palatine and the rest of the true and absolute Lords Proprietors of the province, should be directed to the judge or judges of admiralty of the province and to such other substantial persons as the Governor, with the advice and consent of the Council, should appoint, four of whom should constitute a quorum, who should have power to inquire of piratical offences, and upon the oaths of twelve men to put the offenders upon trial. The act provided lists of persons, out of which lists the juries, grand and petit, should be drawn.

<sup>1</sup> *Statutes of So. Car.*, vol. III, 41.



On the 21st of October Governor Johnson wrote to the Commissioners of Trade giving an account of the appearance of the pirates, their insolent conduct, and Colonel Rhett's successful expedition against them. He expressed his apprehensions that the pirates, who infested the coast in great numbers, would be much irritated at this action on the part of the colony, and that its trade would be much endangered. He asked, therefore, that a vessel should be sent for the protection of the commerce of the province.<sup>1</sup>

Governor Johnson's apprehensions were immediately realized. Before a court could be organized under the act just passed, and while Bonnet and his crew were waiting their trial, news was brought that another notorious pirate, one Moody, was off the bar with a vessel carrying fifty guns and 200 men, and that he had already taken two vessels bound from New England to Charles Town. The Governor, on the receipt of this intelligence, at once convened his Council. He represented to its members the danger of invasion and the hopelessness of expecting aid from England. No assistance had come in reply to his letter of the 18th of June. Notwithstanding the impoverished condition of the province, by reason of the Indian wars, and the former expedition against the pirates, another must at once be organized and fitted out against these new-comers. The coast of Carolina must be cleared for her commerce at her own expense. The Council approved Governor Johnson's prompt and decisive action and unanimously decided to equip an armament of sufficient weight to cope with Moody and his fifty guns.

There were nearly a score of trading vessels in the harbor, and to these the Governor turned for aid. The

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. II, 237.



captains had, however, no authority to volunteer to run the vessels belonging to others into so great danger, and it was therefore found necessary to press the required ships into the public service. Upon an inspection of the vessels in port, the Council selected the *Mediterranean*, Arthur Loan, master; the *King William*, John Watkinson, master; and the *Sea Nymph*, Fayrer Hall, master, for the perilous expedition. To this fleet was added the *Royal James*, captured from Stede Bonnet, which was held in Charles Town as a prize. She was placed in command of Captain John Masters, former master of the *Henry*, Rhett's flagship in the Cape Fear expedition. Eight guns were mounted between her decks, and the old pirate craft, says Hughson, was for once in her lifetime fitted out for honest work. The *Mediterranean* was mounted with twenty-four guns, the *King William* with thirty, and the *Sea Nymph* with six. Having secured the necessary fleet, the Council issued a proclamation calling for volunteers and promising them all the booty that might be taken.

The fleet and force for the expedition having been thus provided, the question arose as to the command of it. All eyes were, of course, turned to Rhett, whose naval experience and recent success rendered him at once the person to whose lead the colonists looked. Richard Allein, the Attorney General, in his opening address to the jury in the first trial, declared that Colonel William Rhett was the chief, if not the first, promoter of the fitting out of the expedition which had captured Bonnet and his party;<sup>1</sup> but Rhett, who was of uncertain and fiery temper, had quarrelled with Johnson in consequence of some action of the Governor in connection with that expedition, and he now held back. Governor Johnson

<sup>1</sup> *Tryals of Major Stede Bonnet, etc.*, 9.



determined, therefore, to take command himself of this enterprise and to lead the fleet against the pirates in person at the earliest possible moment. This course of the Governor infused confidence, and in a few days 300 volunteers were on board the vessels awaiting orders to sail. But a serious delay was still to be met. The masters of the impressed vessels made no objection to giving their personal services to the colony, but their owners were to be considered, and they now entered a formal protest, strongly representing that some security should be given by the government to indemnify them for injury or capture of their vessels by the pirates. Hughson states that Governor Johnson recognized the justice of their plea and immediately convened an extra session of the Assembly and laid the case before it, and that the Assembly without delay voted a bill to secure the ship-owners against all losses and expenses.<sup>1</sup> No such act can, however, be found; and as the journals of the Assembly for this year are missing, no record of it has been preserved. However settled, these proceedings delayed the expedition for about a week; but in the meantime scout-boats had been stationed along the shore of the islands, at the entrance of the harbor, to resist any attempt on the part of the enemy to land, and at the same time an embargo was laid on all shipping.

While the Governor was thus busily engaged endeavoring to organize this expedition, the captured pirates, it appears, had found some friends in the town who had created disturbances under cover of which to effect their release, and that Bonnet and Herriot had actually escaped.<sup>2</sup>

<sup>1</sup> Hughson, *Johns Hopkins Univ. Studies*, V, VI, VII, 115.

<sup>2</sup> Mr. Thomas Hepworth, who assisted the Attorney General in the prosecution, refers to such disturbances; but, save this passing remark, there is no other allusion in the accounts of the times to any such trouble. *Tryals of Major Stede Bonnet*, 11; *State Trials*, vol. XIV, 1248.





Ramsay states that Bonnet escaped in the disguise of a woman's clothing,<sup>1</sup> which would have been no matter of surprise considering the looseness of his confinement. Pell, the boatswain, refused to fly with Bonnet and Herriot. The escape was made on the 25th of October.

Governor Johnson immediately issued a proclamation offering a reward of £700 for the capture of the fugitive, sent "hue and cry" and expresses by land and water throughout the whole province, and dispatched several boats with armed men in pursuit. Bonnet, it appears, had effected his escape in a canoe with an Indian and a negro. In this small craft he put to sea, in the hope, probably, of joining Moody's vessel, of the presence of which off the bar he was no doubt informed, or of reaching again the *Cape Fear*; but it happened that on that day the pirate vessel supposed to have been Moody's was far away — indeed, it was off Cape Henry, engaged in the capture of the ship *Eagle Galley*.<sup>2</sup> Bonnet was entirely without provisions, the weather was tempestuous, and he was forced to return to Sullivan's Island. There he hid for some days.

In the meanwhile, amidst the excitement and confusion of Bonnet's escape, and of the preparation of the expedition against the other pirates on the coast, the court which had been provided for by the act of the 18th of October met and organized on the 28th; and while the Governor was getting ready to put to sea against Moody, as he supposed, the court proceeded to the trial of the rest of Bonnet's crew. Nicholas Trott, Judge of Vice Admiralty and Chief Justice of the province, presided, with George Logan, Alexander Parris, Philip Dawes, George Chicken, Benjamin de La Conseillere, Samuel Dean, Ed-

<sup>1</sup> *Hist. of So. Ca.*, 204, note.

<sup>2</sup> *So. Ca. Adm. Ct. Rec. Book*, A and B.



ward Brailsford, John Croft, Captain Arthur Loan, and Captain John Watkins as assistant judges. The grand jury was formed, with Michael Brewton foreman.

Judge Trott proceeded to charge the grand jury upon the subject of piracy. His charge was a most learned one, exhibiting extensive erudition, quoting from many authors in Latin and Greek, and, though it would be regarded to-day as pedantic, was a most able exposition of the law of the case. He first traced the history of the constitution and jurisdiction of the Courts of Admiralty from the earliest time, and explained the design and effect of the act 28 Henry VIII. whereby pirates were thereafter to be tried according to the course of the common law, and defined and expounded the law of piracy, as modified by that statute, adopted in the province in 1712, under which the accused were to be tried.<sup>1</sup> An indictment was given out against Stede Bonnet and several others of his company, and the court adjourned. The next day other indictments were given out, and true bills found. On the 30th a petit jury was organized, and the case proceeded; in the absence of Bonnet, Robert Tucker and others were brought to the bar and put upon their trial. Richard Allein, the Attorney General, rehearsed the recent deeds of the pirates. He was sorry, he said, to hear some expressions drop from private persons (he hoped there were none of them upon the jury) in favor of the pirates, and particularly of Bonnet: "that he is a gentleman and a man of honor, a man of fortune, and one that has had a liberal education. Alas, Gentlemen," he said, "all these quali-

<sup>1</sup> This charge is quoted at some length by a learned writer, Phillimore, of the College of Advocates, in his *Commentaries upon International Law*, as correctly defining the law of piracy; and a list of the authorities cited by Trott is given in a note to his work. Phillimore's *International Law*, CCCLVI. Law Library ed., 286.



fications are but several aggravations of his crimes," etc. He had in his hand, he stated, an account of above thirty-eight vessels taken by Bonnet, in company with Thatch, in the West Indies since the 5th of April before. The Attorney General was followed by Mr. Thomas Hepworth, to whose address to the jury reference has already been made. Then Ignatius Pell, who had refused to fly with Bonnet and had turned State's evidence, was put on the stand, and upon his testimony, and that of the captains of the vessels that had been captured by Bonnet, Tucker and four others were found guilty. The court proceeded from day to day with the trial of others. The conviction of seventeen others rapidly followed; four were acquitted.

The accused had no counsel; but it is a mistake to suppose, as has been asserted, that this was because of the provision of the Fundamental Constitutions declaring it "a base and vile thing to plead for money or reward," and that hence the members of the bar of the colony were unwilling to undertake the cause of the accused, for which they could receive no remuneration.<sup>1</sup> That provision was never of any more force in the colony than any other of that extraordinary body of laws. The simpler explanation of the absence of counsel is that under the law of England then, and for more than a century after, criminals were not allowed counsel in any case except of treason. It was not until 1836, as we have already said, that counsel was so allowed in England. Piracy, it is true, was held to be in the nature of treason: but these pirates were indicted for felony under the statute of Henry VIII. and so were not entitled to counsel under the exception in regard to trials for treason.

Governor Johnson was nearly ready to embark with his fleet when information was brought him that Bonnet was

<sup>1</sup> Hugson, *Johns Hopkins Univ. Studies*, 2 series, V, VI, VII, 105.





hiding on Sullivan's Island. and though Colonel Rhett would not take part in the expedition against the pirates at sea, he readily accepted a commission to effect the recapture of Bonnet. The Governor sailed with the fleet on the 4th of November, and Rhett went that night to Sullivan's Island. He searched diligently for a long time in the sand hills among the dense myrtle and cedar, which afforded so many hiding-places, before he found the fugitives. But at the last he did so, when some of his party fired. Herriot fell dead ; the negro and the Indian were wounded. Bonnet submitted and surrendered himself, and the next morning, being the 6th of November, Colonel Rhett brought him to the town.

Several days before the Governor's fleet was ready for sea, the boats off Sullivan's Island sighted a ship and a sloop which, coming up to the bar, dropped anchor and attempted to land. They were prevented by the guards, however, who made a hostile demonstration on their approach, and for three days the two strange craft lay quietly at their moorings, making no movement calculated to arouse further suspicions.

Late on the evening of November 4. the Governor's fleet sailed down the harbor and anchored several hundred yards below Fort Johnson, which commanded the main entrance to the port. Orders had been issued for every movement to be made with the least demonstration possible, and the vessels reached their anchorage without being detected by the pirates, who had again returned to the mouth of the harbor. The Governor's fleet lay quiet all night, and as the gray mist of early morning crept slowly over the ocean, Governor Johnson, from the deck of his flagship, the *Mediterranean*, signalled his consorts to weigh anchor and follow him. The commander of each vessel had been carefully instructed before the fleet





had left the town. No warlike display was to be made until the final moment; and the four vessels now steered in the direction of the pirate fleet with the guns all under cover, and the men below decks. By eight o'clock they were close to the enemy. The deception was complete. Mistaking them for merchantmen, the pirate ship promptly weighed anchor, and stood on toward the mouth of the harbor to intercept the retreat which they were certain would be attempted. Having placed themselves between the South Carolinians and the harbor, they now hoisted the black flag, and called on the *King William* to surrender. At this moment Johnson ran the King's colors to the masthead of the *Mediterranean*, threw open his ports, and delivered a broadside which swept the decks of the nearest vessel with murderous effect. Before the pirates had recovered from the consternation into which they were thrown by this action, the South Carolinians bore down upon them and began the battle in desperate earnest, and at the closest possible quarters. The hatches were thrown open, the men rushed from below the decks heavily armed, while the sixty-eight guns of the combined fleet poured broadside after broadside into the pirates, who were now hemmed in between the shore and Governor Johnson's vessels. By skilful management, however, the pirate ship escaped from her precarious position, and made all sail possible in order to elude the desperate chase of the South Carolinians. Johnson signalled the *Sea Nymph* and the *Royal James*, or the *Revenge*, as she was now called, to look to the sloop, while he, in company with the *King William*, made hot pursuit after the ship, which seemed to have every chance of escape.

The pirate sloop, which carried six guns and forty men, unable to reach the open sea, was now vigorously attacked by Hall and Masters. The pirates defended themselves



with a valor worthy of a better cause, and for four hours, with the vessels almost yard-arm to yard-arm, they maintained a struggle as fierce as any ever known in these waters which have so often been stirred by hostile forces. Finally they were forced to abandon their guns, and many sought shelter in the hold from the terrible fire which was sweeping the vessel from stem to stern. A few moments later the South Carolinians boarded her, despite the desperate resistance made by the captain and the men who remained to meet them. Reaching the decks, the attacking party made quick work of the pirates, although the latter defended themselves with the desperation of men who realized that they had but one chance left to them for life. In a short time every man above decks, including the chief, who fought to the death with the fury of a lion, was either killed or disabled, and the boarding party found itself in undisputed possession of the vessel. The men who had fled into the hold surrendered without another blow, and a few hours later the sloop, with her surviving crew in irons, was carried into Charles Town in triumph. The struggle, says Hughson, which took place almost within sight of the town, created the most tremendous excitement among the inhabitants, which arose to a pitch of almost indescribable exultation as the throng along the wharves saw the *Sea Nymph* and the *Revenge* rounding the harbor, the royal ensign at the masthead signalling their victory.

Governor Johnson, while not forced to such desperate fighting as his subordinates of the *Revenge* and the *Sea Nymph*, had a long, hard chase after the fleeing ship, and did not come up with her until the middle of the afternoon. During the pursuit the pirate abandoned the defence and bent every energy to effect his escape. He lightened the ship in every possible way, and even threw



over the guns and the boats, but all to no avail. The South Carolinians had the fastest sailers, and as soon as they came within range Governor Johnson ordered the *King William* to open fire. The first discharge raked the sloop, killing two of the crew, and "having received a shot between wind and water," the pirates hauled down the black flag and made an unconditional surrender.

When the hatches were opened, to the great surprise of the captors, it was discovered that the hold of the ship was crowded with women; and upon investigation the vessel proved to be the *Eagle*, bound from London to Virginia and Maryland with 106 convicts and "covenant servants,"—whom it was designed to settle in those colonies,—thirty-six of whom were women. The *Eagle* had been captured by the pirate sloop, which was known as the *New York Revenge*, near Cape Henry, and converted into a tender. Six guns had been placed in her, and her name was changed to the *New York Revenge*, and John Cole had been given the command. A large number of the crew and of the convicts allied themselves to the pirates, while those who refused to join them were held as prisoners.

A still more serious surprise, continues the author from whom this account of the expedition is taken, awaited the Governor, however, on his return to Charles Town to look after the issue of the conflict between the sloop and the rest of his fleet. It was ascertained that the captured vessels did not belong to Moody at all, nor did the captive crews have any connection whatever with him. The commander, who had been killed on board the sloop, proved to be another still more famous pirate, one Richard Worley, who had terrorized the coast in the vicinity of New York and Philadelphia but a few weeks previous. Governor Johnson was naturally much gratified at having



exterminated so dangerous a company of villains, but the question as to the whereabouts of Moody was still one of vital interest to the colony. The statements of the prisoners were certainly not above suspicion, and no one could say positively that Worley's crew was not a part of Moody's company. It was altogether possible, if not probable, that Moody was hovering within the headlands of one of the neighboring harbors, and would, if in his power, wreak a cruel revenge on the colony for the capture and slaughter of his comrades.

To guard against the possibility of a sudden descent on the port, Johnson determined to maintain his fleet in a state of thorough organization until he was satisfied that all danger was past. A few days afterwards the public anxiety was relieved by the arrival of the *Minerva*. Captain Smyter, from the Madeira Isles, who reported that he had been taken off the bar by Moody, who, about the same time, received information of the preparations which were being made in Charles Town to capture him. He had accordingly taken the *Minerva* about a hundred leagues out to sea, where he had plundered her, after which he set sail for New Providence, in order to avail himself of the King's proclamation, which had been brought out by Governor Woodes Rogers.

It was a time of the greatest excitement. Stirring and startling events followed each other in rapid succession. Governor Johnson had sailed with his fleet on the evening of the 4th of November. The next day, the 5th, while the Governor was engaged in battle off the bar with Worley, Rhett had recaptured Bonnet on Sullivan's Island, while, on the same day, the trial of Bonnet's crew was brought to a close, and twenty-two of them sentenced to death. Bonnet was brought to town on the 6th. Two days after, the 8th, the twenty-two convicted were executed, and, on





the 10th. Bonnet himself was arraigned on two indictments. One of them charged him with piracy in taking the sloop *Francis*, Captain Manwaering, and the other with piracy in taking the sloop *Fortune*, Captain Read.<sup>1</sup>

Mr. Hepworth opened the case for the prosecution, and Ignatius Pell, Bonnet's boatswain, was put on the stand. Pell appears to have had some affection for Bonnet, and to have testified reluctantly against his master; but, as his own life was at stake, he could not shield him. By the theory of the English law, counsel was not necessary for the defence, as it was the duty of the judge to see that the accused had a fair trial, and to take care of his interests; but that was but a poor protection under such a judge as Trott, whose tyrannical conduct on the bench was one of the causes of the fast approaching overthrow of the Proprietors.

There could be no doubt of Bonnet's guilt, but his calm and dignified bearing at the trial elicits, even at this day, some sympathy for him, and provokes resentment against Trott's overbearing conduct. The Chief Justice availed himself of the practice of the times to interrogate the accused as well as the witnesses, and thus to expose the weak points in his case.<sup>2</sup> Bonnet met the judge's interrogations with self-possession, and, when he could not offer an explanation, was silent. His defence was that he had honestly intended to proceed to St. Thomas, but had been overpowered by his crew and forced to continue in his piratical course. The plea was a weak one, and easily disposed of by the judge; but, not content to do so, Trott did not hesitate to bring into Bonnet's case

<sup>1</sup> *Tryals of Major Stede Bonnet*, 37.

<sup>2</sup> This practice was abolished, and prisoners exempted from interrogation by the judge, at the same time as they were allowed counsel on their trial. — *Encyclopædia Britannica*, "Criminal Law," Edmund Robertson.



the testimony taken in the former trials, at which Bonnet had not been present, and upon such inadmissible testimony to declare the charges proved against him. He was convicted on the first indictment that day. Upon his arraignment the next, on the second indictment, he withdrew his plea of not guilty. On the third day, the 12th, he was sentenced to death.

In sentencing Bonnet, Trott delivered one of his remarkable charges abounding with quotations from the Scriptures, with which this remarkable man showed himself as familiar as he was with the civil and common law.

"You being a Gentleman that have had the advantage of *liberal education* and being generally esteemed a man of *Letters* I believe it will be needless for me to explain to you the nature of *Repentance* and *Faith* in Christ they being so fully and so often explained in the Scriptures that you cannot but know them. And therefore perhaps for that reason it might be thought by some improper for me to have said so much to you as I have already upon this occasion; neither should I have done it, but that considering the course of your life and actions, I have just reason to fear that the Principles of Religion that had been instilled into you by your *Education* have been at least corrupted if not entirely defaced by the *Sceptism* and *Infidelity* of this wicked age; and that what Time you allowed for Study was rather applied to *Polite Literature*; and the vain *Philosophy* of the Times than to a serious Search after the *Law* and *Will* of God, as revealed to us in the Holy Scriptures. For had your *Delight* been in the *Law* of the Lord, and that you had meditated therein Day and Night Psal 1-2 you would then have found that Gods Word was a *Lamp* unto your Feet, and a *Light* to your Path Psal: 119-105, and that you would account all other knowledge but *Loss* in comparison of the *Excellency* of the Knowledge of Christ Jesus Phil 3-8 who to them that are called is the *Power* of God and the *Wisdom* of God 1 Cor: 1. 24. even as the hidden Wisdom which God ordained before the World. Chap: 2-7."<sup>1</sup>

And more, much more, to the same effect.

<sup>1</sup> *Trials of Major Stede Bonnet*, 44; Howell's *State Trials*, vol. XV, 1234-1302.



Bonnet had, under the circumstances, borne up bravely enough during his trial: but upon his sentence his courage and resolution failed, and the most abject and pusillanimous appeals for mercy were made by him both to the Governor and to Colonel Rhett, his captor. To Colonel Rhett he wrote, imploring his intercession, insisting before "God, the knower of all secrets," that he was himself but a prisoner when he lay with Thatch off Charles Town bar; that he had been coerced in his course; that he had hailed with joy his capture by Rhett, as affording him an opportunity of disengaging himself from the wicked people with whom he had been associated.<sup>1</sup> To Governor Johnson he addressed the most piteous and extraordinary appeal. Throwing himself at the Governor's feet, he implored him "to look upon him with tender bowells of pity and compassion," and to believe him the most miserable man that day breathing. "That the tears proceeding from my most sorrowful soul may soften your heart and incline you to consider my dismal state wholly. I must confess, unprepared to receive so soon the dreadful execution you have been pleased to appoint me; and therefore beseech you to think me an object of your mercy." In his abject misery he begged for life, for life only, on any terms.

"I heartily beseech you'll permit me to live," he wrote to the Governor, "and I'll voluntarily put it ever out of my Power by separating all my Limbs from my Body, only reserving the use of my Tongue to call continually on, and pray to the Lord, my God and mourn all my Days in Sackcloth and Ashes to work out Confident hopes of my Salvation, at that great and dreadful Day when all righteous Souls shall receive their just rewards. And to render your Honour a further Assurance of my being incapable to prejudice any of my Fellow Christians, if I was so wickedly bent I humbly beg you will (as a Punishment of my Sins for my poor Soul's Sake) indent me as a mental ser-

<sup>1</sup> Letter in note, Ramsay's *Hist. of So. Car.*, vol. I, 204.



vant to your Honour, and this Government during my Life, and send me up to the farthest inland Garrison or Settlement in the Country or in any other ways you'll be pleased to dispose of me."

Like Trott, he showed himself familiar with Holy Writ, and concluded his appeal in the words of Paul the Apostle to the Hebrews.

"Now the God of Peace that brought again from the Dead our Lord Jesus, that great Shepherd of the Sheep, thro' the Blood of the everlasting Covenant make you perfect in every good Work to do his Will, working in you, that which is well pleasing in his Sight through Jesus Christ to whom be Glory for ever and ever is the hearty Prayer of

— Your Honour's Most miserable and Afflicted servant

— STEDE BONNET."<sup>1</sup>

It was indeed a remarkable incident, that of the familiarity thus shown with the sacred Scriptures on the part alike of a corrupt judge and of a bloody pirate. Despite the desperate character of the culprit, so pitiful was his behavior that the sympathies of the public were greatly aroused in his behalf, and much pressure was brought to bear on Governor Johnson to induce him to grant either a pardon or a commutation of his sentence. Bonnet himself was desirous of being carried to England, so as to have his case brought directly to the attention of the King. His appeal to Colonel Rhett so excited that gentleman's interest in his behalf, that he is said to have offered to carry him, and ample security was also tendered for his safe delivery to the home authorities. But Governor Johnson knew what the province had suffered at the hands of the pirates, and he would listen to no proposition, nor parley with them or their friends. He had no sympathy with the movement to procure a stay of Bonnet's execution, and was unswerving in his determination that he should die in accordance with the sentence of the

<sup>1</sup> Hughson, *Johns Hopkins Univ. Studies*, 2 series, V, VI, VII; 110.





court. It remained with the Governor to fix the day of the execution. He appointed Wednesday, the 10th of December, as the fatal day, and Bonnet was accordingly executed. It is said that he was so unnerved "that he was scarce sensible when he came to the place of execution."<sup>1</sup>

In the meanwhile the court was again convened, and twenty-three of those captured by Governor Johnson's expedition were also convicted, and on the 24th of November were sentenced to death. They were executed, but the day upon which their execution took place is not certainly known.

The nest of pirates which had been established in Cape Fear was now thoroughly broken up. Thatch, or "Black Beard," had been killed and his crew captured by the expedition fitted out by Governor Spotswood of Virginia; Bonnet had been captured by Rhett and executed; and Worley had been slain in the battle with Governor Johnson. Without disparagement to the conduct of Governor Spotswood, it may be pointed out that however prompt and vigorous his action, the expedition which he sent had the advantage of being commanded by officers of the Royal Navy, whereas those of Governor Johnson were led by Colonel Rhett and himself in person. The South Carolinians had arisen against the pirates as they had done against the Indians, and, without waiting for the help they had asked, had themselves without assistance organized and conducted two brilliant and successful expeditions. They had so far been victorious, and opened the harbor of Charles Town to their commerce. But the danger was by no means past. The sea was yet covered with pirate craft, manned by as desperate outlaws as any of those who had paid the penalty of their crimes

<sup>1</sup> Hughson, *supra*.



at White Point. Every month brought intelligence of renewed outrages, of vessels sacked on the high seas, burned with their cargo, or seized and converted to the nefarious uses of the outlaws.

Governor Johnson, says Hughson, was no dreamer, and he did not lull himself into any fancied security because of the success of the plots of the daring Rhett and himself. The province itself was scarcely able to do anything more. The cost of the two naval expeditions had further exhausted the already depleted treasury, and as yet the English authorities had given no indication of their intention to do anything to assist their hard-pressed fellow-countrymen in the distant colony.

But Governor Johnson did not despair, though he did not encourage the thought of expecting any assistance from abroad. On the contrary, he insisted that the people should help themselves; and in February, 1719, the Assembly passed an act providing sufficient funds to pay the debts incurred by the equipment of the two expeditions. In the meantime the Governor had forwarded another letter to the Lords of Trade, in which he gave a full account of the recent occurrences, narrating how his fears had been realized, and urging that a ship of war should be sent to South Carolina immediately, unless their Lordships were willing to see the trade completely ruined. In this communication the Governor expressed himself with great earnestness, claiming for the colony some consideration at the hands of the board, and reminding it that during the previous year the province had supplied, for the use of his Majesty's navy, 32,000 barrels of tar, 20,643 barrels of pitch, and 473 barrels of turpentine. In a letter written the following December, after he had been deposed by the people in consequence of the neglect and tyranny of the Proprietors, he writes to them that



"he is out of pocket £1000 sterling," by reason of the extraordinary expenses he was at in suppressing the pirates.<sup>1</sup>

Governor Johnson's appeals brought at last, on April 29, 1719, the information that the Lords of Admiralty had consented to send a frigate "as soon as possible"; and some months after, the man-of-war *Flambourgh*, Captain Hildesly, arrived and was placed on duty in the harbor, while the *Phœnix*, Captain Pierce, was sent to cruise along the coast, keeping a lookout for any freebooters who might venture to depredate on the commerce of the colonies.

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. II, 236-239.



## CHAPTER XXVIII

1719

THE year 1719, so memorable in the annals of Carolina for the overthrow of the Proprietors' Government, opened most auspiciously to the interest of their Lordships. Governor Johnson's heroic and efficient conduct in regard to the pirates had greatly propitiated the people of the colony. The Assembly forgave the lecture he had read them upon his arrival upon their conduct and duties to the Proprietors, and forgot the controversy in regard to the Public Receiver. Putting aside all matters of difference, they entered into the most cordial relations with the Governor. They passed an act declaring the willingness of the people of the province to consent to any reasonable measure whereby their Lordships might have justice done them with respect to their rents; and "for promoting so good and just a design and that the Lords Proprietors seeing the inclination of the inhabitants of this province to do them justice, and duly to pay them their rents, may assist this province, and use their interest to support the same and to promote the good thereof, and that all differences and misunderstandings between their Lordships and the people may be removed," etc. They agreed that all arrears of rents, and all that should thereafter become due, should be paid either in lawful money according to the statute of the 6th of Queen Anne, which, at that time, would have required £4 in currency to £1 in good money, or else in good merchantable rice at the rate of





17s. 6d. per 100, or good pitch at the rate of 15s. per barrel, or tar at the rate of 7s. 6d. per barrel. This was a compliance with their Lordships' demand as stated by the Governor in his opening speech to the Commons the year before. They provided also for the enforcement and collection of the rents. The act went on to say that seeing, by an order of the Board of the Lords Proprietors of the 3d of May, 1716, their Lordships had been pleased to give all their arrears that were then in Carolina due to them, whether for land sold, or for rent that should become due on the 1st of May, 1718, to the use of the public as the Governor and Council should think most proper to appropriate the same; but, by reason of some misunderstanding between the Lords Proprietors and the people, their Lordships were pleased to withdraw their intended gift: but seeing, also, that the inhabitants of the province, by their representative in the Assembly, had showed their willingness to do their Lordships justice with respect to their rents, which made them hope that all differences would be entirely forgotten, they proceeded to appropriate the arrears of rent to the building of a state house and prison. To this act the Governor and the other Proprietors' deputies consented, without further consulting their Lordships.<sup>1</sup>

The next business of the General Assembly was to revise again the election law, and to make another apportionment of representation, the number of which they increased from thirty to thirty-six, as follows: St. Philip's parish was allowed five members instead of four; Christ Church two; St. John's three. A part of St. Andrew's had been cut off and made into a new parish, St. George's, so St. Andrew's lost one member, but St. George's was given two, a gain of one to the old parish. St. James,

<sup>1</sup> *Statutes of So. Ca.*, vol. III, 44-49.



Goose Creek, was also given an additional member, making its representation four members; St. Thomas and St. Dennis three; St. Paul's four. An additional member was given respectively to St. Bartholomew and St. Helena, making three representatives from each. Winyaw was added to St. James, Santee, and the two were allowed together two members.<sup>1</sup> The Assembly laid duties on negroes, liquors, and other goods and merchandise imported to and exported out of the province, for raising a fund towards defraying the public charges and expenses of the government;<sup>2</sup> and passed an act for raising £70,000 on lands and negroes, for defraying the public debt, sinking the public orders, and calling in and cancelling the sum of £30,000 outstanding on bills of credit over and beside the bank bills.<sup>3</sup> A commission was provided to regulate the Indian trade: the commissioners appointed were Colonel Thomas Broughton, Colonel George Logan, and Ralph Izard, Esq.<sup>4</sup> These acts were all ratified on the 20th of March, 1718-19, and were the last attempted legislation under the Proprietary Government.

It was while the General Assembly was thus engaged in providing for the sinking of the paper currency and in contriving to pay for their expedition against the pirates and their other contingent debts, and while it was said "they were never observ'd to be in so good a disposition towards the Proprietors, but were doing everything that could be asked of them," that an order to the Governor came to dissolve the Assembly forthwith and to call a new one, to be elected according to the ancient custom.<sup>5</sup>

This order, under the great seal of the province, was dated the 18th of July before (1718). It was signed by Carteret, Palatine, James Bertie for the minor Duke of

<sup>1</sup> *Statutes of So. Ca.*, vol. III, 50-55.

<sup>2</sup> *Ibid.*, 56.

<sup>3</sup> *Ibid.*, 69.

<sup>4</sup> *Ibid.*, 86.

<sup>5</sup> *Proceedings of the People of So. Ca.* (Carroll), vol. I, 150.



Beaufort, Fulwar Skipwith for the minors Lord Craven, Maurice Ashley, John Colleton, and John Danson. Two shares were unrepresented, and two belonging to minors were represented by their guardians, who were thus incidentally exercising governmental powers.<sup>1</sup>

The first clause of this imperious decree stated that his Majesty had been pleased, by his order in council, to signify his Royal pleasure that the Lords Proprietors should forthwith repeal the act of the province whereby a duty of ten per cent was laid upon goods of British manufacture imported into the province; and that in obedience to his Majesty's command their Lordships declared the same repealed. Against this Royal mandate, whether constitutional or not, it was vain to protest, and the colonists accepted the repeal with submission.

But it was another matter altogether when, in the same instrument, the Proprietors proceeded to repeal other measures to which their representatives, the Governor, and the other members of the Council, deputies of the Proprietors, had solemnly assented and ratified. True, the Proprietors had always claimed the right, sitting as a Palatine Court in England, to negative the proceedings of the Assembly in Carolina: but the colonists, aware of the growing weakness of their Lordships' hold upon the charter at home, and more and more restless under the feeble and yet tyrannical rule of an irresponsible and indifferent body, were not now disposed to submit to such unjust dealings without a closer scrutiny into their right to enforce them.

The next measure to which their Lordships' order referred was that vexed one of the nomination of the Public Receiver. Finding, they said, this act to be inconsistent with the safety, welfare, and good govern-

<sup>1</sup> *Statutes of So. Car.*, vol. III, 30.





ment of the province, and inconsistent with the usage and custom of Great Britain, they declared the act giving the nomination of the Public Receiver to the House of Commons to be null and void. How there could have been a custom or usage upon this subject in Great Britain, it is difficult to conceive. Of course there was none. The question raised in 1707 in regard to this matter was one not free from fair doubt; but the Proprietors had acquiesced now for ten years in the assertion of the right of nomination by the Commons, and it was most unwise and impolitic to agitate the matter again at this time when their charter was so seriously threatened at home, especially as the colonists were just now disposed to renew their loyalty to their Lordships.

But the repeal of the act in regard to the election of the Receiver did not touch the people so sensitively as the order for the repeal of the law in regard to election. "We have likewise," said their Lordships, "read and considered two acts of assembly, the one entitled an act to keep inviolate and preserve the freedom of elections," etc.: "the other entitled an additional and explanatory act to the forgoing act, and finding the said two acts tend to the entire alteration and subversion of the constitution of the Province of South Carolina and are contrary to the laws and customs of Parliament in Great Britain we therefore do declare the said two last mentioned Acts to be null and void and we do hereby repeal nullifie and make void the said two acts and every clause matter or thing therein contained whatsoever."<sup>1</sup>

Nor was this all. The Yamassee lands, which had been recovered upon the expulsion of those Indians, had been appropriated, by the Proprietors' permission,<sup>2</sup> to

<sup>1</sup> *Statutes of So. Ca.*, vol. III, 31.

<sup>2</sup> *Ante*; *Coll. Hist. Soc. of So. Ca.*, vol. I, 164.





new-comers, in order to build up a more settled country between the Indians and the rest of the province. An act had been passed for the purpose, and under its provisions several hundred immigrants from Ireland had come out with the promise of 200 acres to each settler, at an expense of thousands of pounds expended by the colony to fetch them here.<sup>1</sup> This act was also repealed. "We have read also," wrote the Proprietors, "two other acts of the Assembly the titles of which are an act to appropriate the Yamassee lands to the use of such persons as shall come into and settle themselves in this Province etc: and an act to grant several privileges exemptions and encouragements to such of his Majesty's Protestant subjects as are desirous to come into and settle in this province — which two Acts being an encroachment upon the property of us the Lords Proprietors and tend only to the disposal of our estates to which the Assembly can pretend no manner of right, we therefore do declare the said two Acts to be null and void," etc.

The Indian Trade act they also repealed, because it was said several merchants in London had complained of it as a monopoly.

The communication announcing these repeals was received with the utmost astonishment and consternation by the Governor and Council, who had assented to these measures, supposing themselves to possess the confidence of the Proprietors — chosen, as they had so recently been, as their Lordships' deputies. There was one member of the Council, however, who did not share in the surprise, and who looked on, doubtless, with amusement and satisfaction at the alarm and embarrassment of his fellow-councillors, and that was Mr. Chief Justice Trott. It does not appear to have been known in the province that

<sup>1</sup> *Hist. Sketches of So. Ca. (Rivers)*, 294.



Trott was carrying on a regular correspondence with Mr. Shelton, the secretary of the Board of Proprietors, with the knowledge and approval of their Lordships themselves; but it was suspected that he was in private communication with them, and that this extraordinary action on their part had been brought about by Rhett and himself, "with whom," as it was said, "they had always too much influence either for their Lordships' or the people's good."<sup>1</sup> Trott and Rhett had exercised great political influence when the elections were all held at Charles Town, and they had opposed and obstructed the passage of the new election law, as it removed the elections from their control. This they resented and, it was correctly surmised, had communicated with the Proprietors upon the subject.

There were other and still stronger grounds of opposition to Trott. Though doubtless a man of great ability and learning, one to whom, as it has been seen, South Carolina is to this day indebted in a great measure for her system of laws, he was both corrupt and tyrannical as a judge. Richard Allein, the Attorney General, who had been the prosecuting officer in the recent trials of the pirates, and other practitioners of the law, charged him with many base and iniquitous practices.<sup>2</sup>

Just before the arrival of these unlooked-for orders there had been presented to the Assembly articles of complaint against the Chief Justice, thirty-one in number,<sup>3</sup> setting forth, "That he had been guilty of many Partial

<sup>1</sup> *Proceedings of the People* (Carroll), vol. II, 149.

<sup>2</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 241.

<sup>3</sup> There are no Journals of the Commons from 1718 to 1720. Probably they were lost in the revolution which took place in 1719. The account in the text follows, therefore, Yonge's *Narrative of the Proceedings of the People of So. Ca. in the year 1719*. London, MDCCXXVI; republished in Carroll's *Coll.*, vol. II, 141.



Judgments: that he had contriv'd many Ways to multiply and increase his Fees contrary to Acts of Assembly, and to the great Grievance to the Subjects, and that among others he had contriv'd a Fee for continuing Causes from one Court (or Term) unto another, and then he put off the Hearing for several Years together; that he took upon him to give Advice in Causes depending in his Courts, and did not only act as a Counsellor in that particular, but also had, and did draw Deeds, and other Writings between Party and Party, some of which had been contested before him as Chief Justice: in the determining of which he had shewn great Partialities with many other Particulars; and lastly complaining that the whole Judicial Power of the Province was lodg'd in his Hands alone, of which it was evident he had made a very ill Use; he being at that time sole judge of the *Pleas* and *King's Bench* and Judge of *Vice Admiralty*; so that no Prohibition could be lodg'd against the Proceedings of that Court, he being in that Case to grant a Prohibition against himself; he was also at the same time one of the *Council* and of consequence, of the court of *Chancery*."

These complaints of the attorneys who practised in the courts were fully substantiated to the Commons; but Trott refused to recognize the authority of that body to act in the matter. He insisted that he was amenable only to the Proprietors themselves, from whom he had received his commissions, and could be impeached before no other body. The Commons thereupon sent a message to the Governor and Council desiring that they would join in a representation to their Lordships of Trott's maladministration of his offices, and to supplicate them that if they did not think fit to remove him entirely from presiding in their courts of justice (as the Commons desired), that they would at least restrict him to one single juris-



diction, that they might have liberty of appealing from his *sole* and too often partial judgments. The Governor and a majority of his Council agreed with the Commons to represent the grievances they complained of to the Proprietors.

It was at this juncture that the orders repealing the acts mentioned, and requiring the Governor to dissolve the Assembly, arrived. This the Governor and Council considered impracticable and dangerous at the time. The Commons had just passed acts to raise the funds for paying the expenses of the expeditions against the pirates, for meeting in part other debts of the province, and for maintaining the government. To dissolve the Assembly, and to declare its measures null and void, because not elected under the new election law, would be to cut off the means of carrying on the government, and the Governor and Council present in Carolina knew too well the condition of the people and the public sentiment to believe that any new Assembly, elected though it might be at Charles Town under the old system, would renew these grants of supplies or do anything that the Proprietors might wish. They took upon themselves, therefore, the responsibility of withholding this instruction and allowing the Assembly to proceed with its business. They communicated, however, to the Commons the repeal of the acts sent out by the Proprietors. The Commons denied the Proprietors' right of repeal. Messages passed between the two Houses upon the subject, and a general conference of both Houses was held, at which Mr. Chief Justice Trott made a speech, maintaining the authority of their Lordships for the purpose; to which the Commons replied. For this speech the Chief Justice was afterwards thanked by their Lordships. Recognizing the gravity of the situation, which the Proprietors did not appear at all to appre-





ciate, the Governor and Council determined to send one of their own number to England to inform the Proprietors personally of the situation, and to explain the reasons which had induced the withholding of their instructions to dissolve the Assembly, as well as to lay before them the complaints against Chief Justice Trott, and to confer with their Lordships upon sundry other matters. All this, it was thought, could better be done in person by one who had taken part in the councils and discussions in Carolina than by letter. Mr. Francis Yonge was selected for the purpose, was fully instructed, and sailed for England.

In the meanwhile the affairs of the colony in England were all steadily tending to the subversion of the Proprietors' charter. While Governor Johnson was so ably and gallantly contending with the pirates, he had not failed to represent to the Lords of Admiralty the danger to the colony from these public enemies, and to appeal to his Majesty's government that a frigate should be sent to the coast of Carolina as soon as possible.<sup>1</sup> Such an appeal, acknowledging the inability of the Proprietary Government to defend its territory, greatly strengthened the disposition of the Royal Government in some way to put an end to a charter which allowed the Proprietors the powers and privileges of rulers over a portion of his Majesty's subjects, without the correlative responsibility of affording them protection. The Lords of Admiralty ordered that a frigate should be sent. The Board of Trade and Plantations determined the more resolutely to get rid of the charter. To this resolve, Mr. Boone, the agent of the Carolina Commons, who was still in England, was urgent and zealous in pressing their Lordships.

The Proprietors had endeavored to persuade the board that Mr. Boone represented only a party or faction in the

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. II, 258.



province, and not the people generally. In answer to this an address was signed not only by the members of the Commons, but by five hundred and sixty-eight others, — which was more than one-half of the (male) inhabitants of the province, — imploring to be taken under his Majesty's immediate government. In their address they say : —

“ We further take the liberty to inform your Majesty that notwithstanding all our miseries, the Lords Proprietors of the Province instead of using any endeavors for our relief and assistance are pleased to term all our endeavors to procure your Majesty's Royal protection the business of a faction or party. We most humbly assure your Majesty that 'tis so far from being anything of that nature that all the inhabitants of the Province (in general) are not only convinced that no human power but that of your Majesty can save them, but earnestly and fervently desire that this once flourishing Province may be added to those already under your happy protection.”

Upon the receipt of the address, Mr. Boone again memorialized the Commissioners of Trade and Plantation. “ I again make bold,” he said, “ to trouble your Lordships in this behalf at their request entreating your Lordships once more to represent to his Majesty the miseries and distresses of his Majesty's subjects the inhabitants of the province of South Carolina and the certain inevitable ruin that must attend those that continue to remain unless his Majesty will be graciously pleased to take them under his immediate protection.”

Upon the receipt of this memorial with the petition of the people of South Carolina, the Board of Trade forwarded it at once to Mr. Secretary Craggs, saying that they thought it proper to lose no time in communicating it, so that he might receive his Majesty's orders there-



upon. The board added: "Upon this occasion we cannot help repeating the advice which has frequently been given by the Board that the proper methods be taken for resuming of this and all other proprietary governments into the hands of his Majesty."<sup>1</sup>

Mr. Yonge arrived in London in the month of May, 1719. His mission was not, however, to the Board of Trade and Plantation or to assist Mr. Boone in his appeals to that body. It was rather to save the Proprietors from their interference that he had crossed the ocean. Immediately, therefore, upon his arrival he sought to obtain an audience of their Lordships.

The Board of Proprietors at this time consisted of but four members in their own right: Lord Carteret, the Palatine, the Hon. Maurice Ashley, Sir John Colleton, and John Danson. The minor Duke of Beaufort, as we have seen, was represented by the Hon. James Bertie; the minor Earl of Craven, by Fulwar Skipwith; the minor Joseph Blake in Carolina had no representative; and the original share of the Earl of Clarendon, which stood in the name of Nicholas Trott, of London, was still unrepresented, as the other Proprietors refused to recognize his title. It so happened that just at this time Lord Carteret, the Palatine, was about to begin his brilliant career as a diplomatist, and was preparing for his first embassy, — that to Sweden. In the careless arrogance of his character, it was scarcely to be expected that at such a time he would waste his thoughts upon the disagreeable affairs of Carolina. And so it happened that there was a repetition of the circumstances that, twenty-four years before, attended the efforts to obtain a meeting of the Lords Proprietors to send out one of their number to Carolina to settle the disturbed condition of affairs that then ex-

<sup>1</sup> *Public Records of So. Ca.*, vol. VII, 125 *et seq.*





isted in the colony. Then it will be remembered that weeks were spent before a quorum could be got together, and that in the end a quorum was only made by admitting to seats both Archdale and Amy, with their doubtful and conflicting titles. The business of the Proprietors had since been still more loosely conducted. Meetings of their Lordships—the Palatine Court, as it was at first grandiloquently styled—had been entirely neglected and dispensed with. Everything was left to the Secretary, Mr. Shelton, and Mr. Shelton was the friend of Trott and Rhett. He received and read the dispatches, and, it was charged, misrepresented their contents in the interests of his friends in Carolina. He drew the papers and instructions in reply, and carried them round to such of the Proprietors as were in London, or sent them by post to those who were not in town. It was not to be supposed that under these circumstances Mr. Yonge would easily obtain the audience he desired. Lord Carteret, to whom he applied as Palatine, referred him to the other Proprietors. Having waited on them two or three times, he seems at last to have obtained a meeting of some of them, to whom he submitted a memorial.

This memorial set out his commission from the Governor and Council of South Carolina to lay before their Lordships not only the several acts of Assembly passed at its last sessions for their approbation, but also to inform their Lordships of the reasons which induced the Governor and Council to defer dissolving the Assembly pursuant to their commands, and to lay before them the communication which had passed between the Governor and his Council on the one hand, and the Commons House of Assembly on the other, touching their Lordships' right of repealing laws ratified and confirmed by their Lordships' deputies. He presented, therefore, the speech made





by Mr. Chief Justice Trott, at the general conference of both Houses, and the Commons' answer thereto, with the several messages which passed between them, which he hoped would show that no arguments or endeavors were wanting on their part to assert their Lordships' right of repealing laws not ratified by themselves.

He represented to them that the Governor and Council would not have allowed this opportunity of disputing their Lordships' powers, but would have dissolved the Commons according to their commands, had it been possible to have done so, without the greatest injury to the country and to the merchants and other persons who had voluntarily furnished, or from whom necessary things had been pressed, for fitting out the two expeditions against the pirates, which amounted to £10,000, and for which the Commons had provided the payment, which it could not be expected another House would again agree to, considering the ill-humor their dissolution was likely to create. He represented that the repeal of the Imposition act, the duties of which were applied to the payment of the clergy, the maintenance of the garrison, and the payment of several public debts, left them no means of meeting orders which had been drawn, on the faith of that act, to the amount of £30,000. The enforcement of the repeal of the Indian Trading act might have brought those people down on the settlements and have occasioned another Indian war. It was absolutely necessary to provide some other means of sinking the £35,000 in bills of credit, since the act to do so had been repealed.

The above reasons, Mr. Yonge said, they presumed would convince their Lordships that the Governor and Council could not then immediately dissolve the Assembly, which had but six weeks to continue by their biennial act. "And it is with some pleasure," continued Mr.



Yonge, "that the Governor and Council can inform your Lordships that they think they have preserved any rights you were before possessed of, and at the same time have got such laws as with your Lordships' approbation will contribute much to settle the country, and give no offence to Great Britain."

Mr. Yonge then went on to explain several minor matters. The Governor and Council had frequently urged the Secretary, Mr. Hart, to transmit to their Lordships copies of the laws passed as required by their instructions, so that they might approve or signify their disapprobation of them; but Mr. Hart's difficulty was to get them transcribed, as the cost of doing so was £100 a year, besides books, pens, ink, and paper, while their Lordships' allowance to him for the whole was but £40. The Council, therefore, took the liberty of requesting their Lordships to augment the salary of the Secretary, or to allow a clerk, with competent salary, to attend the Council and transcribe such laws and other things necessary to be sent to them. Mr. Yonge stated further that the room the Council had sat in for the last four years belonged to Mr. William Gibbon, and they had promised Mr. Gibbon to ask for some compensation for its use; and that the Council thought it not unreasonable to ask some allowance for themselves to defray the expenses they were at in attending the Council, Court of Chancery, and Assembly, which took up one-third part of their time.

He was also directed to move their Lordships to procure custom house officers at the port of Beaufort, that town increasing very much in inhabitants, and it being a very great discouragement to them that they were obliged to bring all their produce to Charles Town.

It was the humble request and advice of the Governor and Council, as a thing that would lay a very great obli-



gation on the country in general, that their Lordships would grant 6000 acres of land *gratis* to the public for the use of three garrisons—at *Savannah Town*, the *Congarees*, and the *Apalachicoles*; and that some part of the land to the northward might be granted and disposed of on the same terms as the Yamassee lands in order to the settling and peopling the frontiers north and south.

As these, his memorial said, would be very great concessions which they hoped would dispose the people to make their Lordships such returns of duty and respect as they wished had always been done, and contribute to the peopling of the country, so they also hoped their Lordships would secure and preserve them in their properties (a much greater encouragement than all the rest) by putting it in their power to assert their undoubted right of appealing from any erroneous judgments in law, which right they are now debarred by the sole judicial power being lodged in the hands of Mr. Chief Justice Trott in the King's Bench, Court of Pleas, Court of Admiralty, and Court of Chancery; a trust never reposed in any one man before in the world, and which the General Assembly had desired them to join in asking their Lordships to remedy.

With the memorial Mr. Yonge delivered a letter from Governor Johnson, the articles of complaint against Chief Justice Trott, and an address from the Governor, Council, and Assembly that he might be removed or at least restricted to one single jurisdiction; also several acts of Assembly, one of which was for the better recovery of their quit-rents, with clause making it of no force unless approved by their Lordships.

Mr. Yonge was kept three months dangling in attendance upon their Lordships in the hope of satisfying them in anything they might have occasion to have





inquired into concerning the condition of the country, or the best means to allay the discontent and reconcile the people to their authority, which he complains was no more than he might have expected since they had done him the honor to appoint him their Surveyor General and one of their Council, since also "he had sailed five or six thousand miles for their service" as the Governor and Council had desired him. The Proprietors, or rather such of them as were managing affairs, took, however, a very different view of his embassy. He was given to understand that the business on which he was sent was extremely disagreeable to them; that both the trouble he had taken and the office he had accepted, as agent for the people, were inconsistent with his duty as one of their deputies, bound to act agreeable to their instructions.<sup>1</sup> They declared their displeasure with the members of the Council who had joined the Lower House against Trott and, to manifest how much they resented their conduct, they broke up the present Council and appointed another, consisting of twelve instead of the former number of seven, who, with the Governor as the deputy of the Palatine, represented the other seven proprietorships. In the new Council those who had joined in the complaint against Trott, viz. Colonel Thomas Broughton, the Governor's brother-in-law, Mr. Alexander Skene, and Mr. James Kinloch, were left out, and one of the Proprietors told Mr. Yonge that he had also been left out but was retained in respect to Lord Carteret, who was his patron.<sup>2</sup> This much Mr. Yonge appears to have learned. For the rest he was dispatched back to Carolina with sealed packets, amongst which, upon his arrival, was found the following letter to the Governor: —

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 245.

<sup>2</sup> *Hist. Sketches of So. Ca.*, 294.





"Sir. We have receiv'd and perus'd your Letters and all your Papers deliver'd us by your agent Mr *Yonge* and though we are favourably inclin'd in all our Thoughts relating to our Governor, yet we must tell you we think you have not obeyed your Orders and Directions given to you to Dissolve that Assembly and call another forthwith according to the ancient Usage and Custom of the Province; and to publish our Repeals of those Acts of Assembly immediately upon the receipt of our Orders aforesaid: But we shall say no more upon the subject now, not doubting but our governour will pay a more punctual obedience to our Orders for the future.

"The *Lords Proprietors* Right of Confirming and Repealing Laws was so particular a Privilege granted to them by the Crown that we can never recede from it; and we do assure you that we are not a little surprised that you should suffer that prerogative of ours to be disputed.

"We have sent you herewith an Instruction under our Hands and Seals nominating such persons as we think fit to be of the *Council* with you six whereof and yourself and no less Number to be a *Quorum*. Upon your Receipt of this we hereby require you to summon the said Council that they may qualify themselves according to Law and immediately sit upon the Dispatch of business.

"We also send you the Repeal of the Acts of Assembly which we Order you to publish immediately upon the receipt of this.

"We do assure Mr *Johnson* that we will stand by him in all Things that relate to the just Execution of his Office and we are Confident that he will perform his duty to us and support our Power and Prerogatives to the best of his Abilities.

"If the Assembly chosen according to your *pretended late Act* is not dissolv'd as we formerly Order'd and a New Assembly Chosen pursuant to the Act formerly confirm'd by the *Proprietors* you are forthwith Commanded hereby to dissolve that Assembly and to call another, according to the above mention'd Assembly so we bid you Farewell."

Lord Carteret's name was put to this document, not by himself,—he was absent on his mission to Sweden,—but by Mr. Ashley, who had a power to act for his Lordship. Mr. Bertie signed for the minor Duke of Beaufort. The other signatures were those of Maurice Ashley, Sir John Colleton, and John Danson; and so this fatal act was,



in fact, the act of but three of the actual Proprietors, and those the least influential of any who had been Proprietors of the province.

With this letter they sent the instrument mentioned in it, under their hands and seals, appointing the twelve members of the new Council. These were William Bull, Ralph Izard, Nicholas Trott, Charles Hart, Samuel Wragg, Benjamin De La Consiliere, Peter St. Julien, William Gibbon, Hugh Butler, Francis Yonge, Jacob Satur, and Jonathan Skrine.<sup>1</sup> They now, also, again repealed the Duty act and the other objectionable measures, and, instead of granting land for the use of the garrisons, they gave strict orders that no more land should be granted to any person whatsoever, but ordered fifteen baronies, each consisting of 12,000 acres, to be laid out for their own private use as near as might be to Port Royal. The complaints against Trott they sent to him that he might answer them, and with them a letter of thanks for the speech he had made at the conference of the two Houses, in support of their right to repeal what laws they chose.<sup>2</sup>

Governor Johnson was in a most humiliating position. The result of Mr. Yonge's embassy was a severe reprimand and peremptory orders to obey his instructions—instructions which he well knew would endanger the authority of the Proprietors. But, brave as he had shown himself against the pirates, he quailed before the insignificant men who now recklessly controlled the Proprietary Government. "Assured," says Yonge, "that Mr. Trott was to rule the Province tho' he had the name of it . . . he resolved for the future to act by his and the new Councils advice that they might be answerable

<sup>1</sup> *Hist. Sketches of So. Ca.*, 293, note.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 195.



for any ill effects their future councils and transactions might produce." In pursuance of his orders, he called his new Council and qualified such of them as would serve. Who they were who refused to qualify is not certainly known; but, from subsequent proceedings, Bull, Izard, Hart, De La Consiliere, Butler, and Satur, with Trott, appear to have qualified. The Governor declared the three acts repealed, and by proclamation dissolved the Assembly and called a new one, to be chosen at Charles Town as before the act of 1716.

"Thus," says Yonge, "the People were irritated and heated to a violent Degree, and the Basis of all Government being either *Love Fear* or *Interest* or perhaps any two, or a Mixture of all the three, but in this there was neither one nor the other; for they thought they had no Reason to love the *Proprietors* who not only refused them Justice but protected and countenanc'd an Evil Minister in an Office which most immediately affected their Lives and Properties, who refused to part with the Uncultivated Lands either for the Public or any Private use but their own; tho' it is apparent by their Charter it was granted to them to be disposed of in such a Manner as to encourage his Majesty's Subjects to go over and settle there and to extend his Dominions; and they had just before promis'd it in Tracts of 200 Acres to new Comers, on which Promise several Hundreds had come from *Ireland*, but could not have a Yard of Land to settle on when they came, and this notwithstanding the Country had been put to the Expense of paying some thousands of Pounds for their Passage to *Carolina*, so that thus the Number of Inhabitants could not be increas'd nor their Frontiers strengthened, neither would they allow them the Freedom they desir'd, and what was the Practice of other Colonies in chusing their Repre-



sentatives *nearest the methods used in* England, which their Laws are to be by the express Words of the Charter. Another reason for their not loving the Proprietors is the same that made them not fear them *i.e.* their Inability to succour and protect them, either from their own Intestine Enemies, the *Indians*, or from the *Spaniards* with whom at that time there was a War; for it is very natural to think that if they could not send Forces to assist them, it would be as difficult to correct them; and lastly they judg'd it plainly their Interest to be under the Crown who could and would protect them, and also (as they hoped) to put them in the same Circumstances with his Majesty's other Colonies in *America* who they found had proper Assistance from the Crown. As there was therefore neither *Fear*, nor *Love*, nor *Interest* to support the Government how could it long subsist?"





## CHAPTER XXIX

1719

THE Governor had called the new Assembly according to his instructions to be chosen at Charles Town. But now Colonel Rhett and the Chief Justice found themselves mistaken in supposing they could continue their old influence to have such members chosen as they desired, even though the election was held for their convenience in the town and under their immediate supervision. It proved quite the contrary. They could not get so much as a single member chosen in their interest. The people were so incensed against the Lords Proprietors that it had become dangerous to say anything in their favor.

To complicate matters still further, a rupture having taken place just before this between the courts of Great Britain and Spain, a project for attacking South Carolina and the Island of Providence was formed at Havana. The time for the meeting of the new Assembly had not yet arrived; but, learning of this threatened invasion, Governor Johnson felt himself obliged to call his Council and such of the newly elected members of the Assembly as he could get together. These he informed of the advices he had received, and appealed to them to consider the ill condition of the fortifications and the necessity of immediately repairing them. This he proposed to do by voluntary subscription until the Assembly could provide for the work, and to show an example he himself



subscribed £500. The members of the Assembly replied that there was no occasion for this irregular and inefficient means of providing the funds necessary; that the Duty act would amply supply them. The Governor reminded them that that law was repealed. To this answer was made that the Public Receiver was ordered to sue any man that refused to pay as that law directed, its repeal not being recognized. Mr. Chief Justice Trott here interposed and announced that if any such action was brought in *his courts*, — for so he always spoke of the courts of the province, — he would give judgment for the defendant. The conference broke up without doing anything, the members of the Assembly determining rather to run the risk of the Spaniards than to acknowledge a right in the Proprietors of repealing their laws. Failing to obtain support from the civil branch of his government, the Governor turned to the military. He summoned the field-officers of the militia, to give them orders for a review of their regiments and to determine upon a rendezvous in case of the approach of the Spaniards. The officers received their orders as usual, and mustered their regiments at the time appointed. This afforded the very opportunity the leaders of the people had desired. Articles of an association had been prepared in advance, and when the militia assembled, it was signed almost without exception. The whole province was brought into a confederacy against the Proprietors without the knowledge of the Governor.

Among those elected to the new House of Assembly was Alexander Skene, who had been in the Council, and was one of those who had been removed by the Proprietors for taking part in the remonstrance against Trott and Rhett. Mr. Skene had come from Barbadoes, where he had held a patent office, — the first of such appoint-



ments in the government of that island. — that of Secretary of the colony and private Secretary of the Governor. A dispute had arisen between the Governor and himself as to his fees, upon which the Governor had claimed the right to nominate his own private Secretary. The dispute had lasted several years, but had been ultimately decided in Mr. Skene's favor, and Queen Anne's letters mandatory had given him possession of all his rights and perquisites as private as well as public Secretary.<sup>1</sup> It might have been supposed that the Carolina colonists had enough experience in controversies to have been quite competent to manage such a business, but Mr. Skene, coming from Barbadoes, where he had so successfully withstood the Governor, "was looked upon as a man that understood public affairs very well." Considering himself ill-used by the Proprietors, he readily became a leader in this movement, and was zealous and active in pulling down the tottering form of their government. His experience and resolute character fitted him for planning and consummating a revolution, and he exerted especial influence in the private meetings of the members of the Assembly.

The first notice the Governor had of the certainty of the movement was by a letter of Mr. Skene, Colonel Logan, and Major Blakeway, dated November 28, 1719, in which they wrote they had no doubt that he had heard that the whole province had entered into an association to stand by their rights and privileges and to get rid of the oppression and arbitrary dealings of the Lords Proprietors. They assured him personally of the greatest deference and respect, and informed him that a committee of the people's representatives were last night appointed to wait upon his Honor that morning, to acquaint him that they were come to the resolution to have no regard to the Lords

<sup>1</sup> *Hist. of Barbadoes* (Poyer), 171, 196.



Proprietors' officers nor other administration; and withal to beg his Honor would hold the government for the King till his Majesty's pleasure be known. They went on to say that the great value the whole country expresses for his Honor's person makes them desirous of having nobody but himself to govern them.

"That we are of opinion," they said, "that your Honor may take the Government upon you, upon the offer of the People for the KING and represent the *Proprietors*. That rather than the whole Country should be in Confusion and want a Governing Power you held it for their *Lordships*: tho' you were oblig'd to comply with the Province who were unanimously of opinion they would have no *Proprietors* government."

They said they could wish for a longer and better opportunity to explain the affair to him, but it was impossible, as the gentlemen would be with him in two hours at the furthest.

The Governor, who was at his plantation about five miles off when he received this letter, came immediately to town and summoned such of his Council as he could get together (these were Mr. Izard, Judge Trott, Mr. Hart, Mr. de La Consiliere, Colonel Bull, Mr. Butler, and Mr. Jacob Satur), and informed them what he had heard and that he had met Mr. Skene and Mr. Brailsford, who told him that those who were to have waited upon him had changed their minds and gone to their respective homes. He asked the Council's opinion what was proper to be done. They unanimously advised him that, considering the parties had altered their resolution of waiting on their Governor and gone home, no further notice should be taken of their proceedings until the Assembly met and the matter should be revived.

The gentlemen who were members of the new House





continued privately to meet and to strengthen and establish the association, which now comprised almost every one in the province, "except some few who more immediately belonged to the Proprietors." Having thus fortified themselves by the consent of the people, they met according to the tenor of their writs on the 10th of December, 1719, and the Governor sending them a message, as usual, that he was ready with the Council to receive them and to order them to choose a Speaker, they came in a body; whereupon Mr. Middleton delivered himself in the following manner:—

"I am order'd by the Representatives of the People here present to tell you, that according to your Honour's order we are come to wait upon you; I am further Order'd to acquaint you, that we own your Honour as our Governour, you being approv'd by the King; and as there was once in this Province a legal Council Representing the *Proprietors* as their Deputies, which Constitution being now alter'd, we do not look upon the Gentlemen present to be a legal Council; so I am order'd to tell you, That the Representatives do disown them as such and will not act with them on any Account."

This speech was delivered in writing at the Governor's desire and signed by Mr. Middleton, as President, and twenty-two more of the Assembly.

Anticipating a dissolution, this body had resolved, probably before presenting the address, that the three laws which the Proprietors had repealed when they had appointed the new Council—to wit, (1) the act declaring the right of the House of Commons to nominate a Public Receiver; (2) the act laying an imposition on importations; and (3) the act for electing the representatives by parishes—were still in force and could not be repealed but by the General Assembly. They also resolved:—



“That the Writs whereby we the Representatives here met were elected are illegal: First Because they are sign’d by such a Council as we conceive, the *Proprietors* have not a power to appoint.

“Secondly for that their Council does consist of a greater Number of Members than the *Proprietors* themselves are which we believe is contrary to the Design and original Intent of their Charter, and approaching too near the Method taken by his Majesty and his Predecessors in his Plantations whom they might not pretend to imitate or follow. His Majesty not being confin’d to any Number in his Council in his Plantations but as he thinks fit himself; but the *Proprietors* as subjects, we believe are bound by a Charter.

“Thirdly were there no Doubt of the Legality of the Council yet according to the *Proprietors* Instructions, there was not a sufficient Number to dissolve the last Assembly, one of the Council Signing being a Foreigner, not Naturalized, and consequently not capable of doing any Act of Government in any of the *British* Dominions and expressly contrary to the *Lords Proprietors* Charter; and a high Act of Presumption in them thus to impose upon His Majesty’s Free People of the Province for the aforesaid Reasons.”

They further resolved: “That we cannot Act as an Assembly but as a Convention delegated by the People to prevent the utter Ruin of this Government if not the Loss of the Province, until His Majesty’s Pleasure be known.

“That the *Lords Proprietors* have by such their Proceedings unhing’d the Frame of Government and forfeited their Right to the same; and that an *Address* be prepared to desire the Honourable *Robert Johnson* Esq. our present Governor to take the Government upon him



in the King's name, and to Continue the Administration thereof until His Majesty's Pleasure be known."

These bold proceedings were well calculated to alarm the Governor, and there was consternation in his Council, and doubt as to their course: were rough or gentle means to be used? Trott quailed before the people, and, with a majority of the Council, advised that the defection was too general to admit the use of any other means than mild expostulations. If these failed, then the Assembly might be dissolved, which would make them disperse, and so put an end to the dispute for the present. But, in that case, how could money be raised to prepare for the Spaniards, who were daily expected? The Lords Proprietors had repealed the duty law, which repeal they were bound to respect. The result of these deliberations was a message to the Commons that the Governor and Council desired a conference with them. The Commons answered that they would not receive any message or paper from the Governor in conjunction with the gentlemen he called his Council. Thus constrained, the Governor sent for them in his own name, and delivered them a long and earnest speech, pleading and arguing with them, and threatening them; but all in vain. The Assembly was neither to be shaken by persuasion, nor intimidated by threats. In the course of this speech, the Governor said:—

"I do require and Demand of you therefore and expect you to Answer me in plain and positive Terms Whether you own the Authority of the *Lords Proprietors* as Lords of this Province, and having Authority to Administer or Authorise others to Administer the Government thereof: saving the Allegiance of Them and the People to His Most Sacred Majesty King George? Or Whether you absolutely renounce all Obedience to Them and Those Commission'd and Authoris'd by Them? Or Whether you



admit their General Power and only dispute that particular Branch of their Authority in Constituting a Council after the Manner they have now done?"

The Commons did not long consider this lengthy speech, which was delivered to them in writing, but soon returned with the following message :—

"We have already acquainted you, That we would not receive any Message or Paper from your Honour in Conjunction with the Gentlemen you are pleas'd to call your Council; therefore we must now again repeat the same, and beg Leave to tell you, That the Paper your Honour read and deliver'd to us we take no Notice of, nor shall we give any farther Answer to it, but in *Great Britain*."

Immediately after, the Commons, however, returned with another address to the Governor, assuring him of the universal affection, deference, and respect the inhabitants throughout the whole country bore to his Honor's person, and their desire for a continuance of his gentle and good administration; "and since we," they said, "who are entrusted with and are the Assertors of their Rights and Liberties are unanimously of Opinion, that no Person is fitter to Govern so Loyal and obedient a People to his Sacred Majesty King GEORGE so we more earnestly desire and entreat your Honour to take upon you the Government of this Province in his Majesty's name 'till his Pleasure shall be known, by which Means we are convinc'd that this (at present) unfortunate Colony may flourish as well as those who feel the happy Influence of his Majesty's immediate Care.

"As the Well being and Preservation of the Province," they continued, "depends greatly on your Honour's complying with our Requests so we flatter ourselves that you who have express'd so tender a Regard for it on all Occasions and particularly in Hazarding your own Person in





an Expedition against the Pirates for its Defence, an Example seldom found in Governors; so we hope, sir, that you will exert yourself at this Juncture for its Support; and we promise your Honour on our Parts the most faithful Assistance of Persons duly sensible of your Honour's great Goodness, and big with the Hopes and Expectations of his Majesty's Protection and Countenance.

"And we farther beg Leave to assure your Honour that we will in the most Dutiful Manner Address His Most Sacred Majesty King GEORGE for the Continuance of your Government over us under whom we doubt not to be a Happy People."

To this appeal, which was doubtless made in all sincerity, for both the present Governor and his father, Sir Nathaniel Johnson, were endeared to the people by distinguished and heroic services, the Governor returned the following answer:—

"Gentlemen—I am Oblidg'd to you for your good Opinion of me; but I hold my Commission from the *true and absolute Lords and Proprietors of this Province* who recommended me to His Majesty, and I have His Approbation; it is by that Commission and Power I Act, and I know of no Power or Authority can dispossess me of the same, but only those who gave me those Authorities. In Subordination to them I shall always Act, and to my utmost maintain their *Lordships* just Power and Prerogatives without encroaching on the People's Rights and Privileges. I do not expect or desire any Favour from you only that of seriously taking into your Consideration the approaching Danger of a Foreign Enemy and the Steps you are taking to involve yourselves and this Province in Anarchy and Confusion."

That afternoon the Governor issued a proclamation dissolving the Assembly; but the Convention, as the



Assembly now called themselves, following the precedent established in England by Parliament upon the abdication of James, ordered the proclamation torn from the Marshal's hands, and issued a proclamation in their own names, which directed all officers, civil and military, to hold their offices and employments until further orders from them. Finding that Governor Johnson would not come into their movement, they resolved to have a Governor of their own choosing, and Colonel James Moore, who was commander-in-chief of the militia in the late Indian War, but had lately been removed for his active opposition to the authority of the Proprietors, was chosen.

On Monday, the 21st of December, 1719, Governor Johnson, having been informed that the Convention intended to proclaim their Governor in the King's name, came to town and wrote circular letters to his Council to meet him; but they did not respond. The Governor had previously had a conference with Colonel Parris, the commanding officer of the militia of the town, upon whose support he relied, and because of the advice he had received from Havana, had ordered the town companies to be reviewed on this day, the 21st. Finding, however, that the members of the Convention had availed themselves of this opportunity, and had determined upon that day to proclaim their Governor, when the people should come together with arms in their hands, he had, on the Saturday before, countermanded the order for the review, and had given particular orders to Colonel Parris that he should not suffer a drum to be beat in the town. The Governor understood that he had assurances from Colonel Parris that his orders should be obeyed. He was greatly surprised, therefore, when, upon coming into town early on Monday morning, he found the militia drawn up in the market-place, with colors flying at the forts and on



all the ships in the harbor, and the people, with great solemnity, preparing for proclaiming their Governor.

Upon this, Governor Johnson, amiable as he was, lost his temper and with it his dignity. Advancing to Colonel Parris, he asked how he durst appear in arms contrary to his orders? and commanded him in the King's name to disperse his men. Colonel Parris answered he was obeying the orders of the Convention, and the Governor approaching, he ordered his men to present their muskets and bade him stand off at his peril. Governor Johnson hoped that some of the gentlemen would have joined him, but the defection was so general that there was hardly a man not in arms, and only one of his Council came near him. This was Mr. Lloyd, and he, it afterward appeared, was sent by the Convention party, under the guise of friendship, to be on hand to prevent any hot action to which the Governor might be provoked. Two days afterwards Mr. Lloyd was sworn into the new Council. Even Trott and Rhett, in this extremity, forsook the Governor and kept at a distance, the silent and inactive spectators of the ruin of the cause of the Proprietors they had done so much to promote.

The members of the Convention now appeared and marched to the Fort, and there proclaimed James Moore Governor of the province, in the name of the King, amidst the acclamations of the populace.

Upon their return, they proceeded to the election of twelve councillors, after the manner of the Royal Government. Of these Sir Hovenden Walker was made President.<sup>1</sup> The government thus established consisted of a

<sup>1</sup> Sir Hovenden Walker had been an admiral in the British service and had commanded the naval part of the unsuccessful expedition sent out by St. John (Belinckoe) in 1711 for the conquest of Canada. *England in the Eighteenth Century* (Lecky), vol. I, 115. He had been Deputy Governor of North Carolina. *Colonial Records of No. Car.*, vol. I, 529. This is his only public appearance in South Carolina.



Governor, Council, and Convention ; but the Convention soon voted themselves an Assembly, and, as such, made laws and assumed the power of appointing all officers. Nicholas Trott was immediately removed, and Richard Allein was made Chief Justice. A Secretary and Provost Marshal were appointed, and it was declared that no one should be capable of bearing an office in the province who owned the authority of the Lords Proprietors except as to such offices as related to their own particular revenues and property. The persons holding such offices were Mr. Rhett and Mr. Yonge, the Receiver of the Proprietors' revenues and the Surveyor General of the Proprietors' lands. Rhett thus escaped personally the effects of the revolution, which his conduct had done so much to bring about. Colonel John Barnwell was chosen agent for the province, and sent to England with instructions and orders to apply to the King and lay a statement of the proceedings of the people before his Majesty, beseeching him to take the province under his immediate care.

In the meanwhile the Convention published the following declaration of the causes which had led to the revolution :<sup>1</sup> —

“Whereas the Proprietors of this province have of late assumed to themselves an arbitrary and illegal power of repealing such laws as the General Assembly of the settlement have thought fit to make for the preservation and defence thereof and acted in many other things contrary to the laws of England and the charter to them and us free-men granted: whereby we are deprived for those measures we have taken for the defence of the settlement, being the south west frontier of his Majesty's territories in America, and thereby left naked to the attacks of our inveterate enemies and next door neighbors the Spaniards, from whom through the divine Providence we have had a miraculous deliverance, and daily expect to be invaded by them according to the repeated advices we have from time to time received

<sup>1</sup> Hewatt's *Hist. of So. Car.*, vol. I. 276.





from several places: And whereas pursuant to the instructions and authorities to us given, and trust in us reposed by the inhabitants of this settlement, and in execution of the resolutions by us made we did in due form apply ourselves in a whole body by an address to the honourable Robert Johnson appointed Governor of this province by the Lords Proprietors and desired him in the name of the inhabitants of this province to take upon him the government of the same, and in behalf of his Majesty the King of Great Britain France and Ireland until his Majesty's pleasure had been known which the said Governor refusing to do, exclusive of the pretended power of the Lords Proprietors over the settlement, has put us under the necessity of applying to some other person to take upon him as Governor the administration of all the affairs civil and military within the settlement in the name and for the service of his most sacred Majesty, as well as making treaties alliances and leagues with any nation of the Indians until his Majesty's pleasure be further known: And whereas James Moore a person well affected to his present Majesty and also zealous for the interest of the settlement now in a sinking condition has been prevailed with pursuant to such our application to take upon him in the King's name and for the King's service and safety of the settlement the above mentioned charge and trust: We therefore whose names are hereunto subscribed, the Representatives and delegates of his Majesty's liege people and free born subjects of the said settlement now met in convention at Charles Town, in their names and in behalf of his sacred Majesty George by the grace of God King of Great Britain France and Ireland, in consideration of the former great confidence in his firm loyalty to our most gracious King George, as well as in his conduct, courage, and other great abilities; do hereby declare the said James Moore his Majesty's Governor of this settlement, invested with all the powers and authorities belonging and appertaining to any of his Majesty's governors in America till his Majesty's pleasure herein shall be farther known. And we do hereby for ourselves and in the name and on the behalf of the inhabitants of the said settlement, as their representatives and delegates, promise and oblige ourselves most solemnly to obey maintain assist and support the same James Moore in the administration of all affairs civil and military within the settlement as well as in the execution of all his functions aforesaid as Governor for his sacred Majesty King George. And further we do expect and command that all officers both civil and military within the settlement do pay him all duty and obedience as his Majesty's Governor, as they shall answer to the contrary at their utmost peril.



Given under our hand at this convention this 21<sup>st</sup> day of December 1719."

Governor Johnson, after this solemn and public declaration, recognized that the government of the Proprietors was totally overthrown, and that the current of popular sentiment was too violent and strong to withstand. His only hope for their Lordships now was that the revolutionists would not long remain in a state of union, harmony, and peace among themselves; but would soon divide again into the old parties. The first unpopular step of their Governor might create disturbance and disaffection. His policy, therefore, was quietly to wait for such occurrences, ready to take advantage of them whenever they should appear. In the meantime, he called together the civil officers of the Proprietors, and ordered them to secure the public records, and to close their offices.<sup>1</sup>

His next step was to report an account of the proceedings to the Proprietors. This he did in a carefully prepared statement which he transmitted to their Lordships. He told them that the colonists had long labored under difficulties and hardships by debts contracted in the Indian wars, and in protecting their trade against pirates. He spoke of the unhappy differences between their Lordships and the people about the privileges of their charter. He told them that some of the richest of the inhabitants had persuaded the rest that neither they themselves nor their posterity could ever be safe in their persons, or secure in their properties, without the protection of the Crown: that they had, therefore, with one accord, disclaimed and renounced all obedience to their Lordships, and put themselves under the care and government of the King: that he, though earnestly solicited by them, had refused to

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 278.



govern them in any other way than as commissioned and appointed by the Lords Proprietors; that the people had, thereupon, shaken off his authority, and chosen another Governor for themselves in the name and in behalf of the King. He was in no wise responsible for the revolution. It had not been occasioned by his imprudence or maladministration, and, therefore, he hoped whatever might be the issue, that their Lordships would use their influence to continue him in the government of the province.

Having thus performed his duty to the Proprietors, he wrote also to the Lords of Trade and Plantations, giving them a similar account of the proceedings of the people and the overthrow of the Proprietary Government, and made an appeal to them that if they accepted the government for his Majesty that he should be commissioned by them as Governor.

"That he apprehending himself bound in Honour to Govern Those People in no other Way than as he was Commission'd by the *Lords Proprietors* and *instructed* by his Majesty to whom he had always been a Faithful and Loyal subject, and the people having for that Cause disown'd his Authority, with that of the said *Lords* he humbly hop'd their Lordships would interest themselves so far that if His Majesty thought fit to take the Government into His own Hands, he might be honour'd with his Majestys immediate Commission, or otherwise that he might be restor'd to his Government as formerly by his Majestys special Command; the present Disturbances not being in any wise owing to his Male-Administration as might appear by the *Address* of the People to him, a copy of which he enclos'd them."<sup>1</sup>

In the meanwhile the new government proceeded with

<sup>1</sup> *Proceedings of the People* (Yonge); Carroll's *Coll.*, vol. II, 184; Hewatt's *Hist. of So. Ca.*, vol. I, 281-282.



the business of the country. A new duty law, and others for raising money to defray the various expenses of the government, were passed. To their new Governor they voted £2500, and to their Chief Justice £800 current money as yearly salaries. To their agent in England £1000 sterling was transmitted, and to defray those and the other expenses of the government an act was passed laying a tax on lands and negroes. In short, says Hewatt, the popular Assembly imposed such burdens on their constituents as under the Proprietary Government would have been deemed intolerable grievances.

Governor Johnson and some of his party refused to pay this tax, as they did not recognize the authority of the Assembly which imposed it. On account of his peculiar position Governor Johnson himself was exempted; but it was rigidly enforced against all other persons. Though unable actively to oppose the new government, Governor Johnson omitted no opportunity to throw every obstacle in its way. He would have most seriously embarrassed its operations had Rhett acted with him in the interests of the Proprietors; but Rhett was now making terms with their opponents.

Colonel Rhett was not only the Proprietors' Receiver General, but also the Comptroller of the King's customs. To him, therefore, Governor Johnson wrote, proposing that as all masters of ships were, under the laws of trade, obliged to take out their clearance from him as the Comptroller of customs, he might refuse to allow any ship to be cleared by the custom-house officers until the masters had paid their duty to him as Public Receiver. By this means the fees due to the Governor and Secretary would have found their way in their regular channel, as the masters of vessels would most readily have gone where they could have obtained the most authentic clearances.





But Rhett was no friend to Governor Johnson, and was besides, at this time, looking to his interests under the new government; so he refused to act as Johnson desired in this matter, and for this essential service he was at once made, by the revolutionary government, Overseer of the Repairs and Fortifications in Charles Town, — a most lucrative position, and at the same time accepted the position from Governor Moore of Lieutenant General of the Militia. Yet, strange to say, he still continued to maintain his credit with the Lords Proprietors, to whom he wrote on the occasion to assure them that he accepted the commission from Mr. Moore only because it might give him an opportunity to bring the people over again to their interest. The Proprietors believed him, and sent him a letter of thanks and a confirmation of his former commissions from them.<sup>1</sup>

And now came further and certain advices that the Spaniards were actually fitting out a fleet at Havana to attack Providence and South Carolina; but it was uncertain which place they would first assail. The new government proclaimed martial law, and ordered all men to repair in arms to Charles Town. Governor Johnson seized the opportunity of making one more appeal to the people, and addressed the following letter to the Convention, who now styled themselves an Assembly:<sup>2</sup>—

“Gentlemen: I Flatter myself that the Invasion which at present threatens the Province has awaken'd a Thought in you of the Necessity there is of the Forces acting under a Lawful Authority and Commission. The Inconveniences and Confusion of not admitting it are so obvious I need not mention them. I have hitherto born the Indignities put upon me, and the Loss I sustain by being put out of

<sup>1</sup> *Proceedings of the People* (Yonge); Carroll's *Coll.*, vol. II, 186.

<sup>2</sup> *Ibid.*, 187.



my Government with as much Temper as the nature of the Thing will allow of 'till such time as His Majestys Pleasure shall be known; but to have another assume my Authority when Danger threatens the Province and Action is expected, and to be depriv'd of the Opportunity of Serving the Public in my Station as I am indispensably bound to do upon such Occasions I being answerable to the King for any Neglect regarding the Welfare of the Province is what I cannot set down patiently with.

"Gentlemen," continued Governor Johnson, "I am willing to consult and advise with you for the Good and Safety of the Province in this Time of imminent Danger as a *convention* of the people as you first call'd yourselves. Nor do I see in this present Juncture of Affairs any Occasion of Formalities in our Proceedings or that I explain by whose Authority I Act in Grants of Commissions or other Public Orders. Mr. *Moor's* Commission you have given him does not pretend to say it is deriv'd from the King. You have already confess'd I am invested with some authority you do approve of, and that is enough.

"What I insist upon is To be allow'd to Act as Governor because I am approv'd by the King; I do not apprehend at present there is a Necessity of Acting anything but what relates to Military Affairs; and I do believe People will be better satisf'd and more ready to advance Necessaries, to trust the Public, and to obey my Commands (by Virtue of the King's Authority which I have) if left to their Liberty, than any other Person in this Province and in a short Time we may expect His Majesty's Pleasure will be known.

"If my Reasons have not the Weight with you I expect they should, you ought at least to put it to a Vote; that if a majority be against it I may have that to justify myself to the King and the World who ought to be sat-



isf'd that I have done all I can to serve the country, and do my Duty in my Station."

The Convention did not think fit to give any answer to this letter, but continued the government as they had begun. For some reason Sir Hovenden Walker was displeased, and refused to act longer with the revolutionary party. He retired to his plantation, and Mr. Richard Allein was chosen President of their Council in his stead.

The fortifications were repaired under the supervision of Colonel Rhett; but the work, though costing a great sum of money, was done so slightly that in a little time it was as much out of repair as ever. The whole country was in arms for more than a fortnight, every day expecting the appearance of the Spanish fleet, which it was known had sailed from Havana. Happily, the Spaniards had determined first to attack Providence, and then to proceed against Carolina; but by the conduct and courage of Captain Woodes Rogers, at that time Governor of the island, they were repulsed, and soon after the greater part of their fleet was lost in a storm.

The Spanish expedition having failed, the man-of-war *Flamboyant*, commanded by Captain Hildesly, came from Providence, and took up her station at Charles Town: and about the same time his Majesty's ship *Phoenix*, commanded by Captain Pierce, arrived from a cruise. The arrival of these vessels of war renewed the intrigues of both parties. The commanders were courted by both. They publicly declared for Governor Johnson as the magistrate invested with legal authority. This greatly encouraged Governor Johnson's party: and having the records in his possession, and the clergy refusing to marry without his license, as the only legal Ordinary in the province, the inconveniences began to be felt, and to cool the people in their support of the popular govern-



ment. Thus emboldened, Governor Johnson, with the assistance of the commander of the ships of war, made one more attempt to recover his authority. He brought up the ships of war in front of the town, and threatened it with immediate destruction if the people any longer refused obedience to him. But the people having both arms in their hands and forts in their possession, with seventy pieces of cannon mounted on their ramparts and near 500 men beside them, bid defiance to the Governor and his men-of-war. The Governor, seeing, therefore, that the people were neither to be won by persuasion nor terrified by threats, abandoned the struggle, and the Proprietary Government was at an end.<sup>1</sup>

<sup>1</sup> *Proceedings of the People* (Yonge); Carroll's *Coll.*, vol. II, 189, 190; Hewatt's *Hist. of So. Ca.*, vol. II, 286-288.





## CHAPTER XXX

1720-29

COLONEL JOHN BARNWELL was already on his voyage to England, the envoy of the Convention, to appeal to his Majesty King George for a confirmation of the revolution they had accomplished in the overthrow of the Proprietary Government. Thither Nicholas Trott, now deprived of his various offices, also determined to go to renew his intrigues. Before embarking, Trott wrote to Governor Johnson, informing him of his purpose and proposing that, if he would contribute to his expenses, he would give the Proprietors such a favorable account of his conduct and services as would insure to him the continuance of his office. But the Governor, knowing well Trott's character, and convinced that both the revolt of the people and the subversion of the government were in a great measure to be ascribed to his pernicious policy and secret correspondence with the Secretary of the Proprietors, disdainfully rejected his interest and friendship. To this disrespect of the judge Governor Johnson afterwards attributed many of the injurious suspicions the Proprietors entertained of his honor and fidelity. They made no answer to his letters or even informed him whether his conduct during the popular commotions had met with their approbation or disapprobation. Some of them even alleged that he was privy to the designs of the malcontents and gave them countenance.<sup>1</sup>

<sup>1</sup> Hewatt's *Hist. of So. Ca.*, vol. I, 288.



It seems to have been the fortune of the Carolina embassies to arrive in England in times of unusual excitement. Boone, fifteen years before, had reached London in the midst of the struggle over the "Occasional Conformity" bill, and could secure little attention to the affairs of Carolina while the interests of the Proprietors and of the government were absorbed in the election which followed. It now happened that Barnwell and Trott arrived just as the great South Sea bubble craze had begun. In both instances the affairs of Carolina were involved in the excitement.

King George, at the time, was in Hanover engrossed in negotiations in regard to continental affairs, and the administration of his British dominions was left in the hands of the Lords Justices.<sup>1</sup>

While Great Britain was leaving the Carolinians to defend themselves, and the province, the extreme southern outpost of her American dominions, as best they might from the hostile inroads of the Spaniards and the cruel massacre of the Indians, and permitting the pirates to prey upon the legitimate and growing commerce of her own colony, and actually to blockade the harbor of Charles Town, curiously enough the mere shadow of a trade allowed by the court of Madrid to the Spanish coasts in America was enough to arouse the cupidity of the whole English nation. The King of Spain had granted permission that a single British ship under 500 tons should make one annual voyage to certain British factories which he allowed to be settled there. Upon this small and precarious foundation was erected the famous South Sea scheme. The rice of Carolina, already esteemed the best in the world<sup>2</sup> and which had now begun to afford

<sup>1</sup> Smollett's *Hist. of England*, vol. II, 385.

<sup>2</sup> *Colonial Records of No. Ca.*, vol. II, 124.



a substantial article of steady commerce, was not thought of when, in 1711, a monopoly of the trade to the Spanish coasts in America was sanctioned by Royal charter and by act of Parliament as a means of improving the public credit and providing for the payment of the government's floating debts. English merchants were not slow in swallowing the gilded bait. The fancied Eldorado dazzled even their discerning eyes. The exploits of Drake were quoted, and the dreams of Raleigh renewed. The spirit spread throughout the whole nation, and many who scarcely knew whereabout America lay felt, nevertheless, quite certain of its being strewed with gold and gems.<sup>1</sup> From this beginning the stock of the South Sea Company had, without any real intrinsic value, become a part of the financial system of the government, and had advanced to a very great figure. The policy of gradually paying off the national debt by incorporating it with the stock of flourishing companies was in high favor, and in 1717 an act was passed permitting the Proprietors of certain short annuities to subscribe the residue of the terms in the South Sea stock. In 1719 the project was conceived of enormously enlarging its scope. The Directors proposed to provide a sinking fund for paying off the national debt. This was accepted by the government, and a bill was passed in 1720 for carrying out this wild scheme. The famous Mississippi scheme of Law, the prototype of this, based, however, upon a somewhat stronger foundation, that of the exclusive trade to Louisiana which France could control, had, in the preceding year, produced a wild enthusiasm of speculation which had reached and spread through England. Upon an absurd report that Gibraltar and Port Mahon would be exchanged for

<sup>1</sup> *Hist. of England* (Mahon), vol. II, 4; *England in the Eighteenth Century* (Lecky), vol. I, 216, 348.



some place in Peru by which the English trade to the South Sea would be protected and enlarged, the stock rose to 1000 for 100. Exchange Alley was filled with a strange concourse of statesmen and clergymen, churchmen and dissenters, Whigs and Tories, lawyers, tradesmen, and even multitudes of women. All other professions and employments were utterly neglected, and the people's attention wholly engrossed by this and other chimerical schemes which were known by the denomination of "bubbles." New companies started up every day. Some of the companies hawked about were for the most extravagant objects. "Wrecks to be fished for on the Irish Coast," "Insurance for Horses and Other Cattle" (£2,000,000), "Insurance for Losses by Servants," "To make Salt Water Fresh," "For building Hospitals for Bastard Children," "For building Ships against Pirates," "For extracting Silver from Lead," "For the Transmuting of Quicksilver into a Malleable and Fine Metal," "For making Iron with Pit Coal," "For importing a Large Number of Jackasses from Spain," "For a Wheel for a Perpetual Motion," "*For an Undertaking which shall in Due Time be revealed.*"<sup>1</sup> One proposed company, which immediately affects this history, is not mentioned in the books from which the above instances are taken, and that was a company to purchase Carolina:

On the 4th of June, 1720, Maurice Ashley wrote a letter to a lady, whose name is not given, but which from intrinsic evidence, as well as from the fact that it was found among the Shaftesbury papers, was doubtless addressed to Lady Shaftesbury, the widow of the third Earl, invoking her intercession with Lord Stan-

<sup>1</sup> *Hist. of England* (Mahon), vol. II, 16, 17; *England in the Eighteenth Century* (Locky), vol. I, 349, 350; *Smollett's Hist. of England*, vol. II, 400.





hope and others to forbear the opposition of the Royal Government to a plan for the sale of Carolina by the Proprietors to a company to be formed. The letter is illustrative of the times.<sup>1</sup> It is dated London, June 4, 1720 : —

"The day your Ladyship went to Beachworth," wrote Ashley, "I was at Kensington to wait upon you; intending at the same time to inform you that we have had a Proposal made to us with respect to Carolina of so much advantage to the Proprietors that my single share may amount to Thirty Thousand Pound. The Terms of Agreement your Lady's

hip

 will find indorsed. They are drawn into Form and already signed by Lady Granville for her son by Lord Carteret; by Mr Bertie Guardian to the Duke of Beaufort, by Mr Danton<sup>2</sup> and myself. I expect opposition from some of the Ministry. And since it has been rumour'd abroad that the Proprietors were upon some project of this sort I have had a message from Secretary Craggs to know upon what terms we would part with our interest in the Province.<sup>3</sup> Before this was thus rumoured abroad they took no notice of us imagining to distress and make us part with it for little or Nothing to them. Then would all the advantage be their own either by disposing of the Province by Subscription or by giving it up to the South Sea for ten times as much as they would allow the Proprietors whose Families raised this Province to England. There's no doubt of our succeeding in case the Court favours us or but lets us alone. I have no reason to question your Lady's

hip

's interesting yourself in this matter if it were only a concern of mine; but I think it must needs be of more weight with those you apply to in case your Lady's

hip

 can speak of it as a concern of your son and his family, and to enable your Lady's

hip

 to treat it as such I do assure you I will give any Security that it shall be so if we can obtain what may be worth securing. I begg your Lady's

hip

 therefore that since we have a prospect of obtaining something soe considerable you

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 384.

<sup>2</sup> Danson.

<sup>3</sup> Upon the collapse of the South Sea bubble, it was ascertained that Secretary Craggs had been one of those to whom fictitious stock had been issued to facilitate the passing of the bill. He died upon the day of the exposure. Smollett's *Hist. of England*, vol. II, 407; Mahon's *Hist. of England*, vol. II, 29, 30.



would be pleased to interceed with L<sup>d</sup> Stanhope and others for their favour upon this occasion to my Newew and his Family.<sup>1</sup> And I propose to your Lady's<sup>p</sup> whether it would not be proper to acquaint Judge Eyre with the thing and desire his assistance in it. Your L<sup>d</sup>'s<sup>p</sup> may observe the advantage likely to be made by the Gentle<sup>n</sup> concerned in the Bahama Islands: and who have only a Lease from us [who?] are the Prop<sup>r</sup>. The Carolinas are a foundation for a much greater thing, and are of ten times the value: And no man has a just title to anything if the Proprietors have not a Title to Carolina. We make no secret of our being in Treaty for Carolina, but we mention no particulars," etc.

What particular influence Lady Shaftesbury possessed is not known, but it was evidently considered important, as Mr. Ashley, her brother-in-law, applies to her in this letter not only to influence the ministers of the government in regard to Carolina, but to secure for Danson, in Ashley's name, a thousand pounds in the next subscription into the South Sea.

The paper enclosed in this letter shows that the proposals were for the sale of the province in consideration of £250,000; of which, however, £20,000 were to abate in case a charter could not be procured. The Proprietors reserved the right to subscribe into the joint-stock company one-fourth part of the whole, and they were to be allowed eight of the managers.

News of these negotiations had already reached Carolina. Letters came that the Lords Proprietors had sold their charter to three Quakers, who proposed to divide the country into shares which were to be stock-jobbed

<sup>1</sup> Though by a most curious coincidence Lord Stanhope died upon the same day as his co-secretary Craggs, and died from over-excitement in debate in the House of Lords upon these troubles, his character was so high, his disinterestedness in money matters so well known, that in the South Sea transactions, and even during the highest popular fury, he stood clear—not merely of any charge, but even of any suspicion of the public. *Mahon's Hist. of England*, vol. II, 28.



in Exchange Alley. This report greatly increased the indignation of the people of the colony. They were shocked at the idea of their being bought and sold as part of the South Sea stock. Their anger could not be composed. It had been the custom to urge, in extenuation of the rights and privileges of the Proprietors, that, though they were the fellow-subjects of the colonists, "some of them were men of best quality in England and on that score ought to have a Deference shown between them." But that argument was now no longer available when their Lordships might be Quakers and "perhaps the meanest of the people."<sup>1</sup> Fortunately for the people of Carolina, the "bubble" burst just at this time and the proposed sale fell through, so that Lady Shaftesbury had no opportunity of exerting the influence her brother-in-law seemed to suppose her to possess.

Messrs. Boone and Barnwell, the agents of the new government of South Carolina, procured a hearing before the Lords Justices Regents in Council, in the absence of his Majesty the King, upon which their Excellencies very readily came to the conclusion that the Lords Proprietors had forfeited their charter, and thereupon they ordered the Attorney General to take out a *scire facias* against it. None was, however, issued, nor any further legal proceedings taken.<sup>2</sup> There really was no ground for such a proceeding. The Proprietors had done nothing to forfeit their charter, unless, indeed, any legislation by them without "the advice assent and approbation of the Freemen" of the colony was such a forfeiture. They had neglected and misgoverned the province; but their charter had most recklessly given them power to govern as they saw fit, provided only that their laws were not in conflict with

<sup>1</sup> *Proceedings of the People*; Carroll's *Coll.*, vol. II, 190.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 172.



those of Great Britain, and were enacted with the consent of the freemen of the province. This latter safeguard had been utterly disregarded by the Proprietors from the very inception of the colony. The Fundamental Constitutions had been imposed as far as they could be, and altered again and again without the assent of the Commons. True, the people had refused to recognize that body of laws, but the Proprietors had done all in their power to enforce them. The two grounds upon which they were now said to have violated the charter were : (1) the repeal of certain acts which had been assented to by their deputies ; and (2) the change in the number of the Council. They had frequently before this exercised the right of altering the laws of the colony without the action of the Commons, not only in regard to the Fundamental Constitutions, but in that most important matter upon which all laws must depend, — the election of the Commons. Of their mere will, they had, from time to time, dictated how many representatives should constitute the Commons House, and where the election should be held. They were now insisting that all the elections should be held at Charles Town, and had set aside the acts passed by the Assembly elected under the act of 1716, and dissolved that body because elected at polls in the parishes instead of in the town. In 1683 they had dissolved the Assembly, because elected at Charles Town and not at Charles Town and London as they had ordered. If, then, the repeal of the acts of 1716-17 was a violation of the charter, such violation had been continuously repeated in the fifty years of the province. The other ground is still more questionable. The only authority for the number of the Council was the Fundamental Constitutions, and the instructions first given to Governor Sayle and continued to the other Governors in succession. There was nothing in the charter which





regulated the number, unless, indeed again, it was that this matter should also have been submitted to the approval and consent of the Commons.

But the Royal Government was now watching these Proprietary Governments with great jealousy, and seeking opportunities of resuming control and setting them aside. The Lords Justices, in the absence of the King, who had himself lent a favorable ear to the petitions of the people of Carolina presented by Mr. Boone, hastened, therefore, to avail themselves of this uprising of the people, which the Proprietors had been unable to suppress, as requiring the intervention of Royal authority. On September 13, 1720, an Order of Council was made referring it to the Attorney General to prepare a commission and instructions for the appointment of a Royal Governor for South Carolina; and on the 20th, another order was made appointing General Sir Francis Nicholson as such Governor, and giving him his instructions for the government of the colony. This government was, however, merely provisional, and, as such, it was to last for ten years; for there was no little difficulty in settling the rights of the Proprietors to the soil, though the government of the province had been taken from them, and this ultimately had to be done by purchase under an act of Parliament. The history of the administration of the Provisional Government pertains to that of the Royal Government and will be considered hereafter.

The old disputes as to the title to the original shares of the Earl of Clarendon and of Sir William Berkeley were difficulties in the way of a settlement of the property rights of the Proprietors. Mr. Chief Justice Trott had gone to England, and it is at least a coincidence, if nothing more, that, upon his arrival there, the famous suit was vigorously pressed by his cousin, Nicholas Trott of Lon-



don. and his wife, together with her sister, Elizabeth Moore, the other daughter of Thomas Amy, against Mary Danson, the daughter of John Archdale, and her husband, John Danson. In this suit, the plaintiffs not only set up their title to the share of Sir William Berkeley, but also asked for an accounting of the sums due Thomas Amy for advances made and expenses incurred by him in promoting the settlement of the province.

The Board of Proprietors, it will be remembered, had repudiated their deeds to Amy, and had refused to recognize the titles of Trott and his wife to either share they claimed under that person. The one-eighth share of Sir William Berkeley, as it has appeared, had been purchased in 1682 from Ludwell and his wife, who had been the widow of Sir William, by four of the Proprietors: to wit, the then Duke of Albemarle, the then Lord Carteret, the Earl of Craven, and Sir Peter Colleton, who in the purchase had made use of Thomas Amy as their trustee, to whom the conveyance was made. Disregarding the fact that the legal title to this share was, therefore, in Amy, as trustee, the four Proprietors had, in 1705, sold the share to John Archdale, who, in 1708, had conveyed it to John Danson, his son-in-law. The legal title to the share doubtless remained outstanding in the heirs at law of Thomas Amy. The Board of Proprietors had, also, undertaken to escheat the one-eighth share originally of the Earl of Clarendon, as Sothell, who had purchased it, had died in North Carolina without, as it was supposed, leaving an heir at law or a will, and had, in 1697, granted it to Amy, whom they appointed to be one of the eight hereditary Lords Proprietors. In 1700 Amy had assigned this share as a marriage portion with his daughter to Nicholas Trott of London. Subsequently it appeared, however, that James Bertie had found heirs



at law of Sothell and had purchased their title. Upon this, the Board of Proprietors failed to support their escheat and declined to recognize Amy or Trott under their grant.

Trott's claim to the Berkeley share, it must be borne in mind, was that while it was true that Amy, from whom his wife had inherited in part, as an heir at law, had held the share only in trust for those who had purchased it, he, Amy, had not only rendered valuable services to the Proprietors in procuring immigrants to the colony, but had actually expended considerable sums of money in their behalf. The money thus advanced, with allowance for his time and service, the court had found amounted, with interest, to the sum of £2538 11s., which, under the well-established doctrine in equity, should be reimbursed to Amy's heirs at law before they should be called upon to part with the legal title. To this it was answered that the purchase of the share from Ludwell had been a personal matter between the four Proprietors and himself as individuals, and not as the board, and in which neither the Earl of Shaftesbury nor his successor in that interest, Maurice Ashley, were in any way interested; nor were the heirs of Sothell or their assignee, James Bertie. The question between Trott and Bertie was one of fact: Were the persons from whom Bertie had purchased heirs at law of Sothell? If so, the escheat of the Proprietors was clearly void, and Amy had taken nothing under their grant which he could convey to Trott. The case was a hard one for Amy and those standing in his interests; for he had, doubtless, rendered the services and advanced the money. This was the view taken by Lord Chancellor Macclesfield, who held that Amy had acted for the benefit of all the Proprietors, and that each share should bear its proportion of the advances made by Amy :



and, on the 15th of January, 1723, he ordered that the sum above mentioned should be paid over to Trott and his wife, and thereupon they should convey the shares to Danson. Danson died during the litigation, and his widow, refusing to pay the amount decreed, was committed to prison until she did so. The two shares were, on the 29th of October, 1724, ordered to be sold. This was done on the 16th of February, 1725, whereupon they were purchased by one Hugh Watson for £900 for both proprietorships. Watson bought, however, only as trustee, and afterwards conveyed one of the proprietorships to Henry Bertie, and the other to James Bertie. Mary Danson, the widow, after having been confined in prison nearly two years because of her refusal to pay as ordered, appealed from the decree of Lord Chancellor Macclesfield to the House of Lords, before which tribunal she was represented by the celebrated lawyers Talbot and Finch. The appeal delayed the settlement of this province four years, when, at last, the plucky widow won her cause, and the decree of Macclesfield was reversed. Nicholas Trott, of London, was now also dead, the long litigation was at last compromised, and the House of Lords, by a decree, carried out a settlement which had been agreed upon. By this decree, upon Mary Danson's repaying to Henry Bertie the money he had paid for the Berkeley share, he, Bertie, together with Elizabeth Moor, the surviving heir at law of Amy, were required to execute a conveyance of the share to Mary Danson. The money thus paid by Mary Danson, it was further decreed, should be refunded her by Ann Trott out of the assets of Nicholas Trott's estate. What consideration Amy's heirs derived from the settlement does not appear; they seem to have lost not only all benefit of the services he rendered the Proprietors at the Carolina Coffee House by drumming for





colonists, but the money he expended there as well. Mary Danson must finally have reconveyed the share to Henry Bertie, as in the act of surrender he is treated as the owner, and paid a share of the purchase money. The appeal as to James Bertie was dismissed, and his title to the Clarendon-Sothell share thus confirmed.

Nothing definitely could be done in regard to the civil and political condition of the province until the title to these shares had been finally adjudicated. In the meanwhile, the Proprietors, having issued *caveats* against the appointment of a Governor or grants of any offices without notice to their Lordships, matters were so arranged in 1721 by his Majesty's act of grace upon his return, that the Proprietors acquiesced in the provisional Governor's appointment until the complaints of the colonists were inquired into and settled.<sup>1</sup> The Proprietors continued, however, from time to time, to assert their rights under the charter. In 1725 they appointed Robert Wright Chief Justice, Thomas Kimberley Attorney General, James Stanway Naval officer, Thomas Lowndes Provost Marshal, and Edward Bertie Secretary;<sup>2</sup> at the same time they asked the Royal Government to appoint Colonel Samuel Hersey Governor, offering to make him a Landgrave, annexing thereto four baronies of 12,000 acres each.<sup>3</sup> The next year Thomas Lowndes purchased of the heirs of John Price, deceased, his landgraveship with five baronies of 12,000 acres of land each, but surrendered the patent and accepted in lieu four single baronies.<sup>4</sup>

The Proprietors made another effort to recover their government. On the 29th of June, 1726, they petitioned the King that the provisional Governor might be commanded to assist them in obtaining their just dues and

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 172.

<sup>2</sup> *Ibid.*, 198, 199.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, 174.



rights; that he be directed to continue the officers appointed by them in their employment; that they might have the power to appoint other officers; that the provisional Governor might be instructed to eject those from the Proprietors' lands who, after deposing their Governor, had committed various excesses thereon, cutting timber, etc. They concluded by praying that the petitioners might be restored to their ancient inheritance.<sup>1</sup> Two years after this, however, March 5, 1727-28, they had given up hope of restoration and petitioned the King praying him to accept an absolute and entire surrender of their interest in the province in consideration of the sum of £25,000, just one-tenth of what they had hoped to have received from the South Sea company. Later, they again memorialize the King, stating that about twelve months before they had proposed to surrender to his Majesty all interest in the province for the sum of £25,000; that they had laid their letter before the Attorney and Solicitor Generals, and that a conveyance was then proposed with a covenant that they should consent to an act of Parliament. They express their disappointment and surprise to learn that the surrender could not be made without an act first obtained for the purpose.<sup>2</sup> The decree of the House of Lords in the case of *Danson v. Trott* had now, however, removed all difficulty on the score of conflicting titles, and an act was passed to carry out the agreement.

To this agreement Lord Carteret was not a party. Though he had paid little attention to his duties as Palatine or even as a Proprietor, he did not desire to part with his right or interest in the province, and declined to set any determinate value upon an estate likely to become of great value to his family. Lord Carteret's refusal to

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 173.

<sup>2</sup> *Ibid.*, 175.



join in the surrender did not, however, prevent its consummation by the remaining Proprietors. The act of Parliament provided that the seven-eighths shares of the surrendering Proprietors—to wit, of Henry Duke of Beaufort, William Lord Craven, James Bertie, Henry Bertie, Sir John Colleton, Archibald Hutcheson, who held in trust for John Cotton the share of Maurice Ashley, deceased, and of Joseph Blake, now come of age, of which Samuel Wragg was agent—should be vested and settled upon Edward Bertie of Gray's Inn, Samuel Hersey of the parish of St. Martin's-in-the-Field, Henry Smith of Caversham, and Alexius Clayton of the Middle Temple, in trust; that upon the payment to these trustees of the sum of £17,500, they should surrender and convey to the King these shares; and that thereupon the same become vested in his Majesty. The act also provided for the purchase on the part of the Crown of seven-eighths of the quit-rents due from the colonists to the Proprietors for the additional sum of £5000.

While the Royal Government had availed itself of the revolution of the people of South Carolina in 1719, and had accepted their overthrow of the Proprietors' rule, the title to the lands in the province had remained for ten years in their Lordships—the eight Proprietors. Upon this surrender of the charter, by seven of them, under the act of Parliament authorizing and accepting it, the title to the lands became vested in the King as to seven-eighths; but as Lord Carteret refused to join in the surrender, the remaining eighth share or interest still continued in him, the King and his Lordship thus becoming tenants in common of the lands of the provinces, both of North as well as of South Carolina. This anomalous condition of things continued until 1744, and was only put to an end by a change scarcely less anoma-



lous. On the 17th of September of that year, an indenture was entered into between his Majesty the King of the one part, and the Right Hon. John Lord Carteret of the other, whereby his Lordship, in consideration of the allotment to him of all that part of North Carolina lying next to the province of Virginia and extending to a line drawn from a point six and one-half miles southward of Chick-macomack Inlet westward, which tract embraced more than half of the province of North Carolina, released his interest in all the remainder of the territory embraced in the charter of Charles II. It was expressly stipulated, however, in this indenture that his Lordship abandoned all right or title to political power under that charter.<sup>1</sup>

The full legal title to all of South Carolina thus did not entirely revert and become vested in the King of England during the life of his Majesty, King George the First. This was not accomplished until in the reign of his successor, King George the Second.

<sup>1</sup> *Colonial Records of No. Ca.*, vol. IV, 655, 663.





## CHAPTER XXXI

FROM the accession of James the Second the Royal Government had sought occasion or opportunity to set aside the viceregal powers of the Proprietors and to resume the immediate control of public affairs, not only in Carolina, but in all of the Proprietary colonies. Especially did it seek to do so in this province. The agitation of the question had been pressed by Edward Randolph, Collector of the Royal customs, and the Board of Trade and Plantations had been constantly on the alert to find some ground of forfeiture of the Proprietors' charter. They had seized upon the occasion of the Church act of 1704 to advise its suppression, and the Whig House of Lords had declared it forfeited because of Lord Granville's policy in endeavoring to secure Tory influence in the colony by means of the sacramental test. Then upon the breaking out of the Indian wars they had encouraged Boone and Berresford in their appeals to be taken under the Royal protection. The law officers of the Crown had twice been called upon to institute proceedings to have the charter declared forfeited. But that instrument had recklessly given the most extraordinary powers, and it was found a very difficult task to point out wherein its authority had been exceeded, except in the one instance in which the Royal Government seemed as little inclined to act as the Proprietors themselves; and that was in the violation of the provision of the charter by which laws could only be enacted "by and with the advice, assent, and



approbation of the freemen" of the province. When his Majesty received the address of the inhabitants praying to be taken under his immediate government without objection or rebuke, the Proprietors must have realized that their power and influence no longer existed. His Majesty's government was, nevertheless, setting a most dangerous precedent when, instead of taking the initiative and frankly and boldly resuming the government, which it may well be doubted if ever the King had the right to delegate, it weakly encouraged the people to rise against the Proprietors, and accepted their overthrow not as of Royal authority, but as the result of revolution.

The Proprietary Government covered the period of the first fifty years of the province of South Carolina. During this time the colony had been planted and gradually formed and developed into a community organized socially and politically. The Royal Government, upon assuming its immediate administration, found it a state with a well-digested body of laws; with the institution of African slavery under a formulated code, upon which was based the beginning at least of a social order of its own; with a staple of food and commerce, the production of which in America was limited almost entirely to its own territory, and along with the cultivation of which negro slaves were improving and multiplying, and their masters laying the foundation of fortunes. It found the colonists, in spite of the calamities of war, pestilence, and flood, and notwithstanding the representations of their agents in London, a bold, self-reliant, and prospering people.

The several causes to which we alluded in the introductory chapter to this work—to wit, (1) the position of the colony as an outpost; (2) the inevitable contest between the rights of the colonists under the charter, on



the one hand, and the pretensions of the Proprietors under the Fundamental Constitutions, on the other; (3) the introduction of African slavery, and the suitableness of the climate to the negro race, together with the finding of an article of food which could be successfully cultivated by negro labor for foreign as well as home consumption; and (4) the consequent formation of a social order based upon the institution of African slavery following the system brought from Barbadoes—had all tended to the formation of the character and controlled the development of the people of Carolina.

The planting of the colony on the Ashley, *i.e.* the St. George's Bay of the Spaniards, had been a direct challenge to war; for, while acknowledging in a general way the right of England to her possessions in America, Spain had never agreed to a settlement of the line between her territory of Florida and that of Carolina claimed by Great Britain: and when King Charles the Second by his second charter extended his territorial claim from "the River St. Matthias which bordereth upon the coast of Florida and within one and thirty degrees of northern latitude"—the limit of his first grant—to a point "as far as the degrees of twenty-nine inclusive northern latitude," thus including in his grant the Spanish post of St. Augustine itself, he entailed a condition of war upon any colony which might be established under its claims. The Spaniards at St. Augustine at once accepted the challenge and made war upon the colony on the Ashley from its very inception. France, also, advancing her claims to the territory eastward of the Mississippi and northward of Mobile, was disputing the westward limits of Carolina. The Indian tribes, with whom the Spaniards and French alike coalesced with greater facility than did the English colonists, presented



the ready means of continual, though unavowed, hostility, and circumscribed the advance of the colony not only by open warfare, but by the dread of the lurking savage.

The first immigrants had not yet settled on the Ashley when the Spaniards appeared, giving them notice that the colony must fight for its existence. In 1686 they destroyed the settlement under Lord Cardross, and ravaged the country nearly to the fortifications of the town. Then had followed, twenty years later, the combined invasion of the French and Spaniards, which had been so successfully repulsed by Sir Nathaniel Johnson. Then the Indians, instigated by the French and Spaniards, had risen upon the colonists; but these risings the colonists had put down, on the one hand driving the Apalachis to the walls of St. Augustine, and on the other, going to the assistance of their neighbors in North Carolina, had expelled the Tuscaroras from that province. Then in 1715 had occurred the great Indian War which for a time threatened the utter ruin and devastation of the colony. But this insurrection, with but little and feeble assistance from North Carolina and Virginia, they had ultimately suppressed. The colony had thus been in a constant state of warfare, and had found able military leaders in Sir Nathaniel Johnson, Colonel Daniel, Colonel Rhett, Colonel Barnwell, the Moores, — James and his two sons, James and Maurice, — and Colonel Chicken. The Indian troubles had immediately been followed by the blockade of the harbor of Charles Town by the pirates, and the gallant and successful expeditions against them by Rhett and Governor Robert Johnson. These wars and conflicts had given the strong military turn to the colonists of which we have spoken, and had developed in them a resolute and independent spirit. This military turn, the institution of slavery had tended also





to develop; and military organization had become an institution not only of defence against foreign invaders and hostile Indians, but also of domestic police rendered necessary by the constant importation of negroes as sayage, if less warlike than the Indians themselves.

The attempt to impose Locke's Fundamental Constitutions upon the colony without "the advice assent and approbation of the freemen" of the province had raised the question of the constitutional powers of the Proprietors. From the very outset, when their Lordships had attempted to evade the provisions of their charter, requiring the concurrence of the freemen in the enactment of laws, by granting lands only to those who would be sworn to submission to them and to their scheme of government, and from the time when Will Owen "censured the legality" of the first election held in the province, the people of Carolina had been learning the great political lesson of government by a written constitution. It was this principle—the essential difference between the constitution of tradition and precedent of England and the *lex scripta* of America—that was forced upon their attention by the effort of the Proprietors to impose that preposterous system of laws upon the colony. Thus it came to pass that the first political question asked and debated in Carolina was: "What is written in the law? how readest thou?" And that question has continued to be asked and repeated in all the history of the province and State. The revolution of 1719 was upon the terms of the charter: that of 1776 in South Carolina was to a considerable extent upon the "Additional Instruction" to the Governors of South Carolina, directing the control of the House of Commons in the disposition of its public funds, the Royal instructions to the Governors having superseded the charter as the constitution of the province.



The assertion of the right of nullification in 1832, and of secession in 1860, were severally upon the construction of the Constitution of the United States. In the discussion of the right to impose the Fundamental Constitutions, and again in resisting the Church act of 1704, the people were learning to contend for a strict construction of the Royal charter, the constitution of the province, as alike binding upon Proprietors and colonists.<sup>1</sup>

As we have before observed, though the extraordinary body of laws proposed by Shaftesbury and Locke were never constitutionally adopted, and so were never legally of force, yet the appointment of landgraves and Caciques, empty, paltry titles though they were, sought alike by Puritans and churchmen, and the laying out of seignories, baronies, and manors, doubtless gave an aristocratic temper to the government of the colony, which tendency was greatly increased by the prosperous implanting of the institution of African slavery, thus at once affording a peasant class in the place of the "leet men" of the Fundamental Constitutions, who never came. The climate agreed with the negroes, who could live in the swamps, which were fatal to the white man, and yet was not as enervating as that of the negroes' native land, nor as that of the tropical islands from which many of them were brought. But the institution, possibly, would not have taken such vigorous root in the soil had there not been found an article of commerce which could be successfully cultivated by its labor.

Before the cultivation of rice in Carolina, Portugal, which was a great consumer of that article of food, had been supplied from Italy. It was the opportunity of this market that had greatly induced the people of Carolina to devote their attention to the production of this article

<sup>1</sup> See *The American Commonwealth* (Bryce), vol. I, 413.



of commerce. Their labor and industry were by degrees rewarded by an abundant increase of this useful and valuable product, and they had nearly monopolized the Portuguese market when, by an act of 3d and 4th Anne, rice was added to the "enumerated commodities," in the navigation acts, the exportation of which was restricted to Great Britain. This act required the rice of Carolina intended for Portugal and Spain to be shipped first to England and reexported to those countries. The cost of this additional freight, with the other charges of re-exportation, was estimated at one-third of its value. This cut off Carolina as a competitor with Italy and the East Indies, in the markets of southern Europe, and lost them that great trade. Thus from Christmas, 1712, to Christmas, 1717, there were annually imported into England from Carolina and other plantations 28,073 hundredweight of rice, and from East India, Turkey, and Italy only about 250 hundredweight. Of the amount imported from Carolina but 2478 hundredweight were reexported to Portugal, Spain, and other ports south of Cape Finisterre; while 20,458 hundredweight were reexported to Holland, Germany, and other countries north of that cape; leaving 5387 hundredweight for consumption in England.<sup>1</sup> It was in this matter that the navigation acts of Great Britain, the ultimate cause of the American Revolution of 1776, pressed most hardly upon Carolina. But though deprived of what should have been the chief market of the province, yet the trade even to the northern countries of Europe, encumbered as it was with the restriction of reexportation charges, was becoming of great value, and drawing a considerable commerce to Charles Town. This it was that attracted the attention of the pirates to the harbor of the town which could be so easily watched from Cape Fear.

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 424.



The successful production of rice, and its value as an article of commerce, with the manufacture of pitch and tar in which negro labor could also be profitably employed, tended greatly to the enlargement of the institution of African slavery and to strengthen its hold upon the people. Indigo and cotton were yet to be found equally suited to cultivation by this labor; but during the time of the Proprietary Government, and for a number of years after, it was upon rice chiefly that negro labor could be employed with great remuneration. Carolina rice had already become esteemed as the best in the world,<sup>1</sup> a reputation it sustains to this day.<sup>2</sup>

Disputed titles, repeated hurricanes, exhaustion of the limited areas of lands in Barbadoes, and its overcrowded population had driven many of the people of that island to Carolina. These people came with colonial experience, and brought with them their negro slaves already broken in to labor, and only wanting a soil and commodity upon which to bestow it. They brought also with their slaves a system of government and control, and customs and manners which the experience of half a century had developed. A social order in a great measure already formed was thus transferred from Barbadoes to Carolina. Unlike the first settlements at Jamestown and Plymouth Rock, each of which, as we have suggested, had to be built up from its very foundation, according to its individual circumstances and environments, the emigrants from Barbadoes came with a colonial social system of their own, which, beginning a little later than that of Virginia, was nearly as old and as fully developed as that of Massachusetts, ready for adaptation by the new colonists from England.

Communication with England at first was by way of

<sup>1</sup> *Colonial Records of No. Ca.*, vol. II, 424.

<sup>2</sup> *South Carolina's Resources, etc.*, 12.





Barbadoes, and the first trade of the colony was with that island. This intercourse continued, and strongly influenced the Carolina colony. "The Goose Creek men," against whom Ludwell was warned, were the Barbadian's Moore, Gibbes, Middleton, and others who had settled there. It was to Barbadoes that the very able, if unprincipled, Governor Sothell turned for a code of laws for the government of slaves, and the statute book of that island furnished the precedent for many others of this province. It was from this source, as it has appeared, that the peculiar parish system of South Carolina was derived. It was upon this basis, with the additional aristocratic tendency, encouraged by the partial establishment of the Fundamental Constitutions, that the social order of South Carolina was formed.

Some remarkable men had appeared in the public affairs of the colony during the Proprietary rule. Sayle, West, Smith, Morton, and Blake were men of sober and virtuous lives, and of fair capacity in public matters. Their administrations, while subject to the inevitable inconveniences and struggles of a new community, had been, upon the whole, wise if not brilliant. Sothell, whatever may have been his private character, however disputed his right to the government, had shown great political ability in his brief administration, particularly in his treatment of the Huguenot settlers. Sir Nathaniel Johnson, though a bigoted Tory, was a man of the highest character, and a soldier of reputation. His defence of the province, upon the occasion of the French and Spanish invasion, in 1706, forms one of the brilliant pages in South Carolina's history. His son Robert, afterwards to be known under the Royal Government as the "Good Governor Robert Johnson," had come only at the last struggle of the Proprietary Government, and the colony had no op-



portunity of appreciating the qualities for which he was afterwards beloved, excepting that of his heroic conduct in regard to the pirates. The Moores, father and two sons, were all men of great force and ambition. Daniel and Gibbes were men of ability, and Craven was the wisest and best Governor of the colony.

But Trott and Rhett stand out upon the scene conspicuously, as the two who most impressed themselves upon the affairs of the time. Rhett was of violent and domineering disposition, but his repeated and signal services to the colony demanded its gratitude and respect, and the people forgave his overbearing manner when recollecting his gallantry in their defence against invaders and pirates, and recognized his earnest zeal for the public welfare, despite the imperiousness of his conduct.<sup>1</sup> Trott was an extraordinary man. His learning for the times was profound; his ability great; his industry indefatigable; but his character corrupt, though a devoted churchman, and as learned in theology as in law. No one can read his charge to the grand jury upon witchcraft and doubt his sincere conviction upon the subject; nor is it easy to believe that one so familiar with the Holy Scriptures as his charges, especially that in regard to witchcraft and that to poor Stede Bonnet, prayed him to be could be altogether regardless of their teaching; and yet he is more remembered to-day for his corruption than for the really great services he rendered, not only the province of his day, but the State which was to succeed it.

Trott may truly be said to have been the father of law and of the courts in South Carolina. He was not only the first judge, but the first lawyer of whose professional

<sup>1</sup> Colonel Rhett died suddenly, in 1721, from apoplexy, as he was preparing for his departure for Barbadoes, of which, it is said, he had been appointed Governor. *Johnson's Traditions*, 232.



career we have any knowledge. There is, indeed, no record of any lawyer in the colony before his arrival. The absurd provision of the Fundamental Constitutions, declaring it to be a base and vile thing to plead for money or reward, and prohibiting it, though never constitutionally of force, was not encouraging to the coming of any of the profession. It is quite certain that none but Trott came until the attempt to impose those provisions was abandoned.

Upon the first settlement of the province, as we have seen, rough justice had been administered by the Grand Council. In 1682 the Proprietors presented a system of judicature, to consist of a County Court, of a Chief Judge or Sheriff, and four justices, who were to have jurisdiction of all civil causes and of all causes criminal for offences whereof the penalty was less than death; of an Assize Court, consisting of an itinerant justice together with the members of this County Court, and of a Governor and Council, who were to exercise general appellate jurisdiction of all causes from the County Court and Assizes and general original jurisdiction in chancery.<sup>1</sup> We find frequent allusions to these courts, but no record of their proceedings. The Assize Court went upon no circuit; no general court was held outside of Charles Town. The first person who was Sheriff or Chief Judge, of whom we know, was Robert Gibbes. Barnard Schiunkingh succeeded him, but when we do not know, except that he had been in office before 1691, when he was restored to it, having been removed by Sothell.<sup>2</sup> It was one of the grievances of which the Commons complained, in 1692, that the office of High Sheriff and Chief Judge of Pleas was lodged in the same person, and another, that inferior

<sup>1</sup> *Administration of Justice in So. Ca.* (Henry A. M. Smith); *Charleston Year Book*, 1886, Courtmays, 1, 317.

<sup>2</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 112.



courts undertook to pass upon the validity of laws. In 1698 the Proprietors had sent out Mr. Bohun, a Justice of the Peace in England, — a layman, — to be Chief Justice; but he had died after but a year of troubled service, and had been succeeded by James Moore, whom Governor Blake had temporarily appointed, — an appointment he was authorized to make upon the death or absence of Chief Justice Bohun.<sup>1</sup> Moore was also a layman, and without either the literary ability or the limited legal experience of Bohun. In 1702 Trott, the first professional lawyer to sit as a judge, was commissioned as Chief Justice;<sup>2</sup> but in 1709 he was made to give place to another layman, Robert Gibbes, who had before been Sheriff or Chief Judge, and of whom the Proprietors then wrote "a very ill character had been received"; the same Robert Gibbes who afterwards secured the election as Governor upon Colonel Tynte's death. Trott was again made Chief Justice in 1713, and continued such until the revolution of 1719. In 1694 an elaborate system of fees was established by an act entitled "*An act for ascertaining Publique Officers Fees.*" in which table fees are prescribed for "The Judges of Pleas" and for "The officers belonging to the said Court," also for "the Attorneys Fees belonging to the Court of Pleas," and for the Provost Marshal;<sup>3</sup> which table was revised in 1698.<sup>4</sup> These acts imply that there was, at their respective dates, an organized Court of Pleas; but beside an allusion by Archdale, writing several years after in his usual loose style, that during his administration, to wit, 1695, he had continued in office all judges and militia officers, we know nothing of the courts prior to the coming of Chief Justice Bohun and Attorney General Trott in 1698.

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. II, 297.

<sup>2</sup> *Ibid.*, Appendix, 451.

<sup>3</sup> *Statutes of So. Ca.*, vol. II, 86.

<sup>4</sup> *Ibid.*, 143.





From this time until the overthrow of the Proprietary Government, the system of judicature in the province was as follows :—

1. Justices of the Peace, for the arrest of offenders and the trial of small causes, civil and criminal, who were paid by fees.

2. A court of general jurisdiction, called the Court of Common Pleas, composed of a Chief Justice and four assistants, and one of general jurisdiction, called the Court of Sessions, composed of the same. The Chief Justice received a salary of £60.

3. The Governor and Council, who constituted an Appellate Court in civil and criminal cases, from the Chief Justice's Court, and who also had general original jurisdiction in chancery. The Governor was paid a salary of £200, and in addition was entitled to receive certain fees.

4. An appeal lay from the Governor and Council to the Lords Proprietors in England.

5. A Court of Admiralty, having general admiralty and maritime jurisdiction, and jurisdiction in case of maritime crimes by special commission. The judge and officers of this court derived their commissions from the King, and an appeal lay to the Priyy Council or Lords of the Admiralty in England. The Judge of the Court of Admiralty was paid by fees for the items of his services.

6. The Governor of the province exercised the duties and powers of an Ordinary.<sup>1</sup>

Trott remained in England during the Provisional Government under Sir Francis Nicholson, while the Proprietors were negotiating the terms of the surrender of their charter, busying himself with that negotiation.

<sup>1</sup> *Administration of Justice in So. Ca.* (H. A. M. Smith) ; *Year Book City of Charleston*, 1885, 318 ; *A Letter from So. Ca.*, 1710 (second ed., 1732), 27.



and in his effort to have his codification of the laws of South Carolina printed, and also another work,—his *Explication of the Hebrew Text of the Old Testament*,—intriguing the meanwhile to be restored to his office of Chief Justice.<sup>1</sup> It was not until some years after (1736) that his codification was published; but the Royal Government found the laws of the province collected and arranged to its hand by this learned, if eccentric, and corrupt judge. Upon the final establishment of the Royal Government Trott returned to Charles Town, but lived in retirement in his house in Cumberland Street, devoting himself to his work on the *Explication*, and it was said had finished one large volume in folio ready for the press when he died January 27, 1740. He was buried in St. Philip's churchyard, as was also Colonel Rhett. He had been made a Doctor of Laws and was then spoken of as Dr. Trott.<sup>2</sup>

The peculiar parish system brought over from Barbadoes in 1716 remained, for the lower part of the State, until the overthrow of the government in the late war in 1865. This system, it must be observed, was purely an election system. The parish was made the election precinct and elections for members of the Assembly—the only election of civil officers until after the Revolution of 1776—were held at the parish church, and conducted by the churchwardens. But save legitimate ecclesiastical duties, such as that of caring for the poor, the vestries had none.<sup>3</sup> To provide for the poor,

<sup>1</sup> *Coll. Hist. Soc. of So. Ca.*, vol. I, 242-245.

<sup>2</sup> *South Carolina Gazette*, February 2, 1740.

<sup>3</sup> Subsequently, during the Royal Government, municipal duties were performed by the vestry and wardens of St. Philip's Parish, Charlestown, and municipal boards elected at the church door on Easter Monday, together with the wardens and vestrymen. See *A Sketch of St. Philip's Church*, Charleston, South Carolina, by Edward McCrady; *Four Book City of Charleston* (Smyth), 1897.



however, these church officers had power to assess and levy a tax. The only other elections held in the province were those for rectors, vestrymen, and wardens of the churches, who were chosen, as we have seen, by the inhabitants of the several parishes that were of the Church of England. The vestries in South Carolina did not, therefore, take the place of the township officers of other provinces. There was no local government. The province was not supposed to be too large for the administration of a single government by Governor and General Assembly.

It is difficult correctly to estimate the exact moral and religious character of the people of the province as a whole at this time. It was a period in the history of the world when, perhaps, religion was more a matter of political and religious faith than of moral personal conduct. The community was still new; a generation had scarcely yet been born and passed away upon its soil.<sup>1</sup> Adventurers from all parts of the civilized world were coming and going, and some remaining. It was this feature, doubtless, which had so impressed Commissary Gideon Johnson on his first arrival, but the people generally were by no means of the character he described. The simple piety of the French Huguenots cannot be doubted, nor

<sup>1</sup> In the old "Circular Church," that of the Independents or Congregationalists, — "White Meeting," — which was burned during the late war, there was a monumental tablet to Mr. Robert Tradd, which stated that he was the first male child born in Charles Town and that he died on the 30th of June, 1731, in the fifty-second year of his age. Ramsay's *Hist. of So. Ca.*, vol. I, 2; *Year Book City of Charleston* (Courtenay), 1882, 392. Tradd must therefore have been born in 1679.

The author of *The Origin and Rise of Carolina* states that George Smith, the second son of Landgrave Thomas Smith, was born in old Charles Town, west of the Ashley, in 1672. *Our Forefathers: Their Homes and their Churches* (1890), 49. But this is a mistake. The first Landgrave Smith did not arrive in the province probably before 1657.



can the earnest zeal of the Puritan class of which Land-graves Smith, Morton, and Blake were the leaders and representatives. To the tyrannical and venal Trott, it is not probable that the church, the temple of the Lord, was more sacred than the court, the temple of justice, which he at once adorned with his learning and polluted with his corruption. Rhett's violent temper and hectoring disposition was little controlled by Christian grace, but he was as devoted to the service of his church as heroic in the defence of his people, and spent freely of his time and means in her support. He was the willing almoner of the bounty of the Society for the Propagation of the Gospel, and upon the altar of St. Philip's Church there still stand the silver tankard, chalice, paten, and alms plate, with this engraved on them "*The gift of Col. Wm. Rhett to the Church of St. Philips Charles Town South Carolina.*" Sir Nathaniel Johnson was an earnest if over-zealous churchman, with the habits of a soldier, ready to support Granville in his high-handed measures, without pausing to consider the constitutionality of his methods.

We do not know, it is true, of the performance of a church service beyond the limits of Charles Town before 1700; nor is there record of any church out of the town before 1703, when the planters on Cooper River built, by private subscription and the liberal assistance of Sir Nathaniel Johnson, a small church on Pompion Hill in that neighborhood, though Original Jackson and Meliscent, his wife, had given a lot for such a purpose, as is supposed, as early as 1681. It was a false and empty pretence — that declared in the first charter that the grantees were influenced and excited in their application for it by "a laudable and pious zeal for the propagation of the Christian faith." No effort was made by the first Proprietors, in fulfilment of their power, "to build and found churches





chappels and oratories in convenient and fit places." Beside announcing the somewhat inconsistent provisions of the Fundamental Constitutions, by which, on the one hand, they laid down a great scheme of religious freedom, and on the other, set up, as they were bound to do under their charter, the Church of England as the established church of the province, the Proprietors did little or nothing to promote and advance Christianity in the colony. A stock corporation intent only upon immediate pecuniary profit, instead of exerting their great powers to convert the Indian savage, they gave "the privilege," to use their own language, of selling Indian captives as the cheapest means of "encouraging the soldiers of their infant colony." From the beginning, it is the colonists themselves who appeal to the Proprietors and to the Bishop of London for clergymen to be sent to minister to them. There were earnest Christian churchmen in the province before the end of the seventeenth century, ready to give of their substance for the establishment and support of their church. Original Jackson and Melisent, his wife, early as 1680-81, really and truly "excited with a pious zeal for the propagation of the Christian religion and the divine service according to the liturgy of the Church of England," gave land "with the improvements thereon" for the establishment of a church, presumably upon the Wando; and Affra Coming, for "the love and duty" she had and owed to the churches as established in the kingdom of England, of which she professed herself a dutiful daughter, in 1698 made the munificent grant of seventeen acres adjoining the town for the support of its minister. Both Jonathan Amory and Martha, his wife, made small bequests for the same purpose. Nor were generous grants and bequests confined to the members of the Church of England. Isaac Mazyck, who ar-



rived in 1683, contributed largely to the building of the Huguenot Church, gave liberally towards its support during his life, and by his will bequeathed £100 sterling for the support of its minister. C  zar Moze, in 1687, from his little store, bequeathed his mite to assist in building a house of worship in the neighborhood of his plantation on the eastern branch of the Cooper River;<sup>1</sup> while Governor Blake, who, though a Puritan and a dissenter, possessing a liberal spirit towards all Christians, from his larger means, on June 20, 1695, gave £1000 sterling to the Independent or Congregationalist Church.<sup>2</sup> Frances Simonds, a widow, gave, in 1704, the lot of land on which the old White Meeting House was built, and, in 1707, added another lot.<sup>3</sup> In 1699 William Elliott gave the lot on which the Baptists erected their church,<sup>4</sup> and Mrs. Blake, the wife of the Governor, contributed liberally to the adornment of St. Philip's, the English church.<sup>5</sup>

If it be conceded that the Church of England, established by the charter of the province, had not been sufficiently alive to her duties prior to the end of the century, it must be remembered that from the very nature of her government her people in the colony were in a great measure dependent upon the Proprietors and the church at home for the means of carrying on her services and work. No episcopal ordination was needed for the Baptists nor for the Congregationalists — ministers could be raised up and set apart from their own bodies in this country. None but a regularly ordained clergyman could fully officiate for the English church: and for such, as

<sup>1</sup> Howe's *Hist. Presb. Ch.*, 108.

<sup>2</sup> Tablet before referred to. See *Year Book*, 1882, 202.

<sup>3</sup> Howe's *Hist. Presb. Ch.*, 131, note, 147, note.

<sup>4</sup> *Hist. First Baptist Ch.*, 55; *Year Book City of Charleston* (Courtenay), 1881, 316.

<sup>5</sup> Dalcho's *Ch. Hist.*, 26.



there was no bishop in America, the colonists were dependent upon the Proprietors and the Bishop of London. But the neglect of the Church of England, to whatever extent that may be legitimately charged, ended with the century. The Society for the Propagation of the Gospel was then organized in England, and South Carolina was its first field. With the aid of that society there were, as we have seen, in 1710, eight ministers of the Church of England and two French Protestant ministers who had conformed to the provisions of the act of 1706 in the use of the liturgy of the church and accepted support from the public treasury; one other French Protestant minister, who adhered to the discipline of the French church; five British Presbyterians or Independents; one Anabaptist and a small body of Quakers. There had been some changes by arrivals, deaths, and removals in the nine succeeding years; but the number of the clergy remained about the same, constituting a clerical force of one clergyman to about 500 whites and 600 negroes, a number which would be held, even in these days, a fair proportion.

If the complaint of the dissenters that Episcopacy had waited till the colony had increased in wealth and numbers, and then had come much in the spirit of proselytism and dictation, as the national and favored church,<sup>1</sup> was not altogether without foundation, it must, on the other hand, be remembered that the founder of the Presbyterian Church in South Carolina was but providentially cast upon the shores of the province, his coming having been neither of his own will nor at the instance of the members of his church. So, too, the Baptist minister had come as an exile driven from New England, seeking the religious indulgence promised in the Royal charter to those who could not conform to the church thereby established. It

<sup>1</sup> Howe's *Hist. Presb. Ch.*, 172.



remains, however, to the honor of the dissenters in the province, that, though themselves taxed to support the established church, they maintained their own churches by voluntary offerings in addition to the tax for religious purposes imposed by the government.

The high character of the clergy of the Church of England in the province was doubtless owing in a great measure to the care in their selection by the Society for the Propagation of the Gospel. Nor did the society desert other missionaries whom it sent. When these with their flocks were driven before the tomahawk and scalping knife into the town, the society wrote at once to Colonel Rhett, their agent, to give to each, as a gratuity, half a year's salary, and to extend the same relief to their schoolmasters. Nor did the society restrict their benevolence to their own missionaries, but instructed their agent to present to each clergyman in the province who had suffered in the general calamity, though not in the service of the society, a sum not exceeding £30.<sup>1</sup>

If Ramsay's statement that the early settlers had no sooner provided shelter and the necessities of life than they adopted measures for promoting the moral and literary improvement of themselves, and particularly of the rising generation,<sup>2</sup> is somewhat strained and overdrawn, it is nevertheless remarkable that, notwithstanding the constant political turmoil, the varied disasters which befell the colony, the continual apprehensions of war, and the actual repeated invasions of the province, so much was conceived and attempted in these respects. But few of the very first settlers, as may well be supposed, brought with them wives or children. The necessity for schools, therefore, did not begin for some years after the founding

<sup>1</sup> Dalcho's *Ch. Hist.*, 97.

<sup>2</sup> Ramsay's *Hist. of So. Ca.*, vol. II, 353.





of the colony. But before the seventeenth century had closed, the number of children born and brought here began to demand schools and religious instruction beyond the resources of the inhabitants. That many of the colonists were educated and accustomed to literary pursuits, there is abundant evidence.<sup>1</sup> Indeed, as early as 1698, but thirty-five years after the first charter of the province, but twenty-eight years after the founding of the colony, and thirty-two years before Franklin formed "The Junto,"—the debating society out of which grew the Philadelphia Library, which he claimed to be the mother of all American subscription libraries. —a free public library had been established in Charles Town. The first act upon the subject, *i.e.* that of 1700, it is true, has not been preserved, but its enactment, and the establishment of the library under it, is definitely ascertained by the recital of the Church act of 1712, as well as the existence of the library at that time. We find, also, in the journals of the Commons on the 17th of June, 1703, that Nicholas Trott informed the House that Dr. Bray had sent sundry books as a further addition to the "Public Library," "together with additional books for a *layman's* library," and the thanks of the House were ordered to be transmitted to Dr. Bray by Trott. On the following 7th of May the Public Treasurer was ordered to pay Edward Moseley for transcribing the catalogue of the library books the sum of £5 15s.<sup>2</sup> This is believed to have been the first public library in America.

Lawson, who wrote in 1709, states that from the fact that the people lived in a town, they had drawn "ingenious people of most sciences whereby they had Tutors among them that educate their Youth *à la mode*." The

<sup>1</sup> *Hist. Sketches of So. Ca.* (Rivers), 231, quoting *Journals*.

<sup>2</sup> *Commons Journal*.



matter of education had, as we have seen, engaged the attention of the Assembly, and that by the act of 1710 commissioners had been appointed to receive legacies which had then been bequeathed for founding a free school. An appeal had also been made to the Society for the Propagation of the Gospel to assist in its establishment, as the best means of improving the spiritual as well as the temporal interests of the people. The society had answered this appeal, and in 1711 a school had been established, under the care of the Rev. William Guy. The school, it is true, was not altogether a free school, though it was so called; for only a limited number of scholars were educated without pay. But still it was an attempt in that direction. It was at this school that the Society for the Propagation of the Gospel first assisted in the education of the children of the colonists, charging its teachers that they were to take special care of the manners of their scholars, both in and out of school, teaching them to abhor lying and falsehood, to avoid evil speaking, and to love truth and honesty. The Rev. Mr. Guy remained but a short time in charge of this school, as he was removed in the same year to the cure of St. Helena, Beaufort. He was succeeded as master of it by the Rev. Thomas Morritt, who remained in charge until 1728, when he became rector of Prince George's Parish. The free school in connection with St. Philip's continued until broken up by the Revolution of 1776.<sup>1</sup>

<sup>1</sup> Professor McMaster, in his *Hist. of the United States* (vol. I, 27), has made the reckless statement that in the Southern States education was almost wholly neglected, but *nowhere to such an extent as in South Carolina*. "In that colony," he says, "prior to 1730 no such thing as a grammar school existed. Between 1731 and 1776 there were but five. During the Revolution there were none." The author of this work has elsewhere fully refuted this statement. See *Coll. Hist. Soc. of So. Car.*, vol. IV. "Education in South Carolina prior to and during the Revolu-



The effect of the Indian wars had been rather to extend than to diminish the territory of the colony. The settlers had, at the first outbreak, been driven into the town, but as the Indians were defeated, the lands occupied by them in the immediate neighborhood of the colony were taken in and settled. Thus, as we have seen, the Yamacsee lands were appropriated to new settlers. To protect these, a small fort of ten guns was built at Port Royal; another at Pallizado Fort, with five or six small guns; another at Savano Town, 140 miles from Charles Town, near the present site of the city of Augusta, which became known as Fort Moore; and another, "towards the head of the Santee," that is, at what was called the Congaree, -- in all of which places there were about 100 men, in garrisons divided into companies.<sup>1</sup>

Until 1717 there were few houses at Charles Town outside the fortifications, the lines of which have been before described. In that year the fortifications on the north, west, and south sides were dismantled and demolished to enlarge the town, which now began to spread out on the north across the creek, which ran where the market now stands, and on the west beyond what is now Meeting Street. There are but three buildings in the city of Charleston of which there is any historical authority for believing that they were built during the Proprietary Government.<sup>2</sup> Dr. Shecut, in his essay on the topography of

tion." Since writing that paper he has collected and now has in his hands copies of 412 advertisements relating to education, taken from the *Gazettes* published in Charles Town between 1732 and 1774, and has a list of the names of nearly 200 persons engaged in teaching as tutors, schoolmasters, or schoolmistresses during that time.

<sup>1</sup> *Colonial Records of No. Car.*, vol. II, 422.

<sup>2</sup> There is a tradition that a small brick house of but two stories, still standing on Church Street, adjoining the lot on the southwest corner of Church and Tradd streets, is one of the very oldest in the city, and that



Charles Town, written in 1719, states that among the first brick houses built in the town was that in Cumberland Street, immediately opposite to which at that time was the Episcopal Methodist Church (where now stands the Champion Cotton Press), which was the residence of Chief Justice Trott, and next to which was an old magazine.<sup>1</sup> This latter, which also still stands, was doubtless the magazine of Carteret Bastion, which stood about where Cumberland and Meeting streets now intersect. Dr. Johnson, in his *Traditions*, states that Colonel Rhett's family mansion, at the time of his death, was the still excellent building now known as No. 60 Hazel Street.<sup>2</sup> Dr. Johnson is corroborated in this by a map published according to an act of Parliament, June 9, 1739, in which this house is represented as standing upon a tract of land marked as Colonel Rhett's. If this was Colonel Rhett's residence, the building was in all probability erected during the Proprietary rule; for Colonel Rhett died January 14, 1722, a little more than two years after the overthrow of that government. A watch or guard house stood at the end of Broad Street, where the old Exchange or Postoffice now stands.<sup>3</sup>

A few plantation residences built during the Proprietary Government still remain standing. The two oldest of these were both the properties of Landgrave Smith.

the Council of the province held their meetings in its rooms; but we have been able to find nothing on record in regard to it.

<sup>1</sup> Shecut's *Essays*, 6. The house and magazine still stand. The house unfortunately lost a story in the great fire of December, 1861. It had escaped all the previous disastrous conflagrations of the town and city; but in this fire it was gutted, and when rebuilt upon the old still substantial walls, the third story was left off. It is now the residence of Miss Whitney. It is to be observed, however, as discrediting the antiquity of this house, that it does not appear in a map published by Parliament in 1739, but on the contrary its site is left as vacant.

<sup>2</sup> Johnson's *Traditions*, 232.

<sup>3</sup> Shecut's *Essays*, 4; *The Olden Time of Carolina* (Mrs. Poyas), 17.





The first was his residence on Back River, a branch of the Cooper, and is believed to have been the first brick house in Carolina. Landgrave Smith afterward, in 1693, removed to "Yeamans Hall," or "Yeomans Hall," on Goose Creek, which some traditions would identify with the "country house" which Sir John Yeamans built when he came into the province, and to which he retired when the people would not "salute him governor," though he was a Landgrave;<sup>1</sup> others that it was the property of Lord Craven.<sup>2</sup> There is little probability that either of these traditions is true. Sir John could scarcely, in the time he was in the province, have built such a house; and Lord Craven was never in the colony at all. But, however built, the house has been in the family of Landgrave Smith for more than two hundred years, and, though much injured by the earthquake in 1886, still stands. It was surrounded by an earthwork, and had portholes in its walls, as a defence against the Indians: in the cellar was a deep well for supplying the family or garrison with water in case of a siege, and a subterranean passage, whose entrance can still be seen, led out under the garden to the creek, where boats were kept moored. There is in this old mansion a secret chamber, a small space between two walls with a sliding panel leading into it, which was used as a hiding-place for valuables, not only during the times of the Proprietary Government, but during the American Revolution when the family silver was safely secreted there. This house is but two stories high. The walls are stuccoed, and in large, old-fashioned panels.<sup>3</sup> The piazza or gallery which is now on its front face is

<sup>1</sup> *Harper's Magazine*, No. CCCVII, December, 1875, 16.

<sup>2</sup> *The Olden Time of Carolina* (Mrs. Poyas), 19.

<sup>3</sup> *Harper's Magazine*, *supra*; *The Olden Time of Carolina*; *A Day on Cooper River* (Irving), 26



probably a late addition, as the piazzas now so common in the South were not generally introduced into Carolina until the end of the last or before the beginning of the present century.<sup>1</sup> "Mulberry," or "Mulberry Castle," on the west side of Cooper River, was built in 1714. The land on which the house stands was purchased from Sir John Colleton by Thomas Broughton, afterwards the first Lieutenant Governor under the Royal Government. This, too, it is said, had loopholes for musketry, with bastions at the four corners. It was used also for the purpose of defending the settlers in the vicinity against incursions of Indians.<sup>2</sup>

The house built, in 1704, by Stephen Bull, who came out with the very first colonists, known as "Ashley Hall," and after his death the residence in succession of the two William Bulls, his son and grandson, who for more than thirty years were Lieutenant Governors of the province under the Royal Government, and often the administrators of its affairs,—a house which was the scene of many historic incidents,—remained standing until burned in 1865, at the close of the late war.<sup>3</sup> It is remarkable that the houses built by two of the early settlers in South Carolina should so long have remained in existence.

<sup>1</sup> The first mention of a piazza we have found is in a letter of Edward Rutledge to Captain Simons, dated September 1, 1782. See Gibbes's Document, *Hist. of the Am. Rev.*, 218. No piazzas appear upon any of the pictures of buildings of the time save this.

<sup>2</sup> *A Day on Cooper River* (Irving), 13.

<sup>3</sup> Upon the evacuation of Charleston during the late war, in February, 1865, every house on the west bank of the Ashley—the place of the first settlement of the colony—was burned by the Federal besieging forces which came from James Island. But three houses were left standing in the whole of St. Andrew's Parish between the Ashley and Stono. One of these—Drayton Hall—was spared, it is said, because of Commodore Percival Drayton of the United States Navy. Anticipating this destruction, the last of the Bulls to reside in Ashley Hall, the Hon.



Several church buildings erected during the Proprietary period in the country remain in whole or in part. The oldest entire building yet standing is St. James, Goose Creek. It was built during the incumbency of the Rev. Francis Le Jau, D.D. (1707-17), probably in 1711, and remains, save for repairs after the earthquake of 1886, just as it was when first erected. It is built of brick, cherub heads adorn the windows, and the high pulpit, marble tablets of the Commandments, Creed, and Lord's Prayer, are surmounted by the Royal arms,—a decoration which preserved the little temple from desecration and destruction during the Revolutionary War.<sup>1</sup> The floor is of stone, seventeen mahogany pews fill it, and there is a gallery across one end. Memorial tablets and hatchments adorn the walls.<sup>2</sup> The walls of the old White Meeting House, at Dorchester, erected in 1700, still remains. The building was burned during the Revolution, but was rebuilt in 1794.<sup>3</sup> Near the same, the old tower of St. George's, Dorchester, built in 1719, still stands. The church was built of brick, seventy feet long by thirty wide, in cruciform shape, with Gothic windows, and the tower,

William Izard Bull, who, like his great-grandfather and grand-uncle, had been a Lieutenant Governor of the State, declaring that the invaders should never enter the mansion of his forefathers, himself set fire and burned it to the ground.

<sup>1</sup> "These arms were destroyed by the earthquake of 1886, and their exact restoration seemed impossible. But a few years before, a lady now deceased, the daughter of one of South Carolina's greatest scientists . . . (the late Professor John McCrady), had painted a copy in oils for the use of a New England society. This was obtained, and from it the restoration was made as it now stands."—*Historical Discourse*, by Rev. Robert Wilson, D.D., at St. James, Goose Creek, on Sunday, April 12, 1896. Appendix to *Year Book City of Charleston*, 1895 (John F. Ficken, Mayor).

<sup>2</sup> Daleho's *Ch. Hist.*, 24; *Harper's Magazine*, No. CCCVII, December, 1875.

<sup>3</sup> Howe's *Hist. of Presb. Ch.*, 567; *Harper's Magazine*, as above.



which once held a ring of bells, shows how beautiful, complete, and church-like the little sanctuary must have been.<sup>1</sup> The second St. Philip's Church, that built under the act of 1710, upon the site of the present church (burned in 1825), the beauty of which was so extolled by Edmund Burke, was just nearing its completion, and so must be attributed to the period of the Proprietary Government. Its rising walls had been blown down in the great storm of 1716. It was opened on Easter Sunday, 1723, during the Provisional Government of Sir Francis Nicholson. Burke described it as "spacious and executed in a very handsome taste, exceeding everything of that kind we have in America."<sup>2</sup>

Notwithstanding the very genteel entertainments that Lawson tells that the country gentlemen extended to strangers, society in the colony was, at the end of the Proprietary Government, still in rather a primitive condition. Some account of it, in 1700, has come down to us from tradition as given by Landgrave Smith. In his courting days, he said, young girls received their beaus at three o'clock, having dined at twelve, expecting them to withdraw about six o'clock, as many families retired to bed at seven in the winter, and seldom extended their sitting in summer beyond eight o'clock, their fathers having learned to obey the curfew toll in England.<sup>3</sup> The rooms in those days, Landgrave Smith said, were all uncarpeted, the rough sides of the apartments remaining the natural color of whatever wood the house chanced

<sup>1</sup> Dalcho's *Ch. Hist.*, 346; *Harper's Magazine*, as above.

<sup>2</sup> Dalcho's *Ch. Hist.*, 123; quoting *Account of European Settlements in America*, vol. II, 258.

<sup>3</sup> Labat's account is that in Bridgetown, Barbadoes, they dined at two o'clock, and their dinner lasted four hours. Perhaps the cavaliers did the same in Charles Town and at their country seats, upon occasions of formal entertainments.





to be built of. Rush-bottomed chairs were usual.<sup>1</sup> It must be remembered, however, that Landgrave Smith belonged to the party in which the stiff and rigid morals of the Puritan were cultivated, and Hewatt tells that these were made the object of ridicule by their neighbors.<sup>2</sup> Lawson describes the gentlemen seated in the country as very courteous, living very nobly in their houses, and giving very genteel entertainments. The Swiss gentleman who wrote to his friend at Bern, in 1710, so favorable an account of the province, says that no people were more hospitable, generous, and willing to do good offices to strangers; that every one was ready to entertain them freely with the best they had. Moroseness and sullenness of temper, so common in other places, was rare among them. Though so happily situated that nobody was obliged to beg for food, yet the charity of the inhabitants was remarkable in making provisions for the poor. Those born of European parents, he says, were for the most part very temperate, and had generally an aversion to excessive drinking. He could not call to mind above two or three addicted to that vice.<sup>3</sup>

Besides these glimpses, we have little to guide us historically in regard to the condition of society during the Proprietary rule. In all probability, the people were as much divided in their habits and manners as in their politics, and the division ran along the same lines of churchmen and Puritans.

One of the distinguishing features in the Proprietary Governments of Carolina and New Jersey, from those of others, was in the number of Proprietors. The grant to the Earl of Carlisle, of Barbadoes, in 1624-29, to Lord

<sup>1</sup> *The Olden Time of Carolina*, 41.

<sup>2</sup> *Hist. of So. Ca.*, vol. I, 77.

<sup>3</sup> *A Letter from So. Ca., etc.*, 1710 (second ed., 1732), 42.



Baltimore, of Maryland, in 1632, to Sir Ferdinando Gorges, of Maine, in 1639, to William Penn, of Pennsylvania, in 1681, was each to an individual Proprietor. That to Carolina, in 1663-65, was to eight Proprietors, and that to New Jersey, in 1664, was to two,—Lord John Berkeley and Sir George Carteret, two of the Carolina Proprietors. A Royal Government had been substituted for the Proprietary in Barbadoes the same year as that in which the grant of Carolina was made, 1663. The grant of Maine passed to the company of Massachusetts Bay in 1677, and that of Maryland was resumed by the Crown in 1690. The Proprietary Government of Pennsylvania continued until the Revolution. That of New Jersey became subdivided, until towards the close of the seventeenth century, the number of Proprietors had so increased as to render good government impracticable in consequence of divergent interests and views. The evil became unendurable, and in 1702 by the general consent of the Proprietors and people the former, while retaining all their rights of property, surrendered their rights of government to the Crown.

Well would it have been for the province had the Proprietors of Carolina adopted the same course. They were, it is true, not so numerous as those of New Jersey ultimately became, but they were too many and too often changing for the efficient exercise of such powers. The continual changes and frequently recurring minorities and guardianships of the heirs or devisees of shares as deaths occurred among them, rendered the Board of Proprietors in a great measure perfunctory in its character, and allowed it at times to fall under the control of some irresponsible individual. Thus it was that while Sir George Carteret was Palatine the province was managed really by Locke, who was not officially con-



nected with the Proprietors as a body, but merely the private secretary of Shaftesbury, and that after him *John Archdale*, while not really a Proprietor himself, in a great measure controlled its affairs; and that after Archdale Mr. Shelton, the secretary, relieved the indolent members of their duties at the board, and conducted the affairs of the province of his own will, only asking their signatures to carry out what he proposed. The old Earl of Craven during his long presidency appears to have been always at hand as Palatine, and the Earl of Bath for the short time of his palatinate attended to its duties with some regularity; but Lord John Granville was the only Palatine who took an active interest in the affairs of the colony, and his interest in the matter was induced by and was subservient to the great political struggle of the time in England.

The colonists of Carolina had now, with the connivance of the Royal Government, overthrown the weak and uncertain rule of this careless and inefficient body, and great was their demonstration of joy upon coming directly under the rule of the King. But, after all, what had they gained? They were turned over by his Majesty, the King, to the control of the Board of Trade and Plantations. Would this board prove more attentive to, and observant of, their interests than the Board of Proprietors had been? If the self-interest of the Proprietors had not been sufficient to secure their attention to the province, was it likely that the Board of Trade and Plantations, without such interested motives, would be more attentive and concerned for their welfare? Then again, in their contests with the Proprietors, they had had a measure to which they could always appeal, and by which the conduct of the Proprietors could be judged. Was the conduct of the Proprietors in accordance with their charter?



was a question they had a right to ask. But now there was no longer any charter to which they could appeal in restraint of the Board of Trade. Under the Royal Government, upon whose protection and under whose immediate control they had thrown themselves, in the place of the charter their rights and duties were to be prescribed in the Royal *Instructions* to the Governors, nominally by his Majesty, in reality by the Commissioners of Trade and Plantations, in which instructions there was to be no saving clause providing for "the advice assent and approbation of the freemen" of the province.





# APPENDIX

## I

### RULES OF PRECEDENCY

#### UNDER LOCKE'S FUNDAMENTAL CONSTITUTIONS

1st. The Lords Proprietors, the eldest in age first,<sup>1</sup> and so in order.  
2d. The eldest sons of the Lords Proprietors, the eldest in age first, and so in order.

3d. The Landgraves of the Grand Council: he that hath been longest of the Grand Council first, and so in order.

4th. The Caciques of the Grand Council: he that hath been longest of the Grand Council first, and so in order.

5th. The seven commoners of the Grand Council, that have been longest of the Grand Council; he that hath been longest of the Grand Council first, and so in order.

6th. The younger sons of the Proprietors: the eldest first, and so in order.

7th. The Landgraves; the eldest in age first, and so in order.

8th. The seven commoners who next to those before mentioned have been longest of the Grand Council; he that hath been longest of the Grand Council first, and so in order.

9th. The Caciques, the eldest in age first, and so in order.

10th. The seven remaining commoners of the Grand Council; he that hath been longest of the Grand Council first, and so in order.

11th. The male line of the Proprietors.

The rest shall be determined by the Chamberlain's Court.

<sup>1</sup> The first article of the Constitutions provided that the eldest of the Lords Proprietors shall be Palatine; and upon the decease of the Palatine the eldest of the seven Proprietors should always succeed him.



## II

DEVOLUTION OF TITLE OF THE PROPRIETARY SHARES  
IN CAROLINA

1. *Earl of Clarendon's Share.*—During the exile of the Earl of Clarendon from 1657 to his death, 9th of December, 1674, this share was represented by Lord Cornbury, son of the Earl. It was afterwards purchased by Seth Sothell (or Southwell), September, 1631 (*Coll. Hist. Soc. of So. Ca.*, vol. I, 105). Sothell died in North Carolina in 1694, as it was supposed, without heirs, assigns, or will, and the remaining Proprietors sequestered the share under the provisions of the Fundamental Constitutions, and assigned it to Thomas Amy, 29th of September, 1697. Upon the marriage of his daughter to Nicholas Trott of London, Amy assigned the share to Trott as a marriage portion, 21st of March, 1700. Under proceedings in chancery, the share, with that originally belonging to Sir William Berkeley, which also stood in the name of Thomas Amy, was sold 16th of February, 1724, at £900 for both, to Hugh Watson, who purchased as trustee of Henry and James Bertie, and subsequently this particular share was allotted to the Hon. James Bertie (*Danson v. Trott, Brown Parl. Cases*, vol. III, 452–457), in whose name it was surrendered to the Crown (*Statutes of So. Ca.*, vol. I, 62).

2. *Duke of Albemarle's Share.*—The Duke of Albemarle died 3d of December, 1699, and his share descended to his son, the second Duke, who died in 1688 without issue (*Burke*). The Earl of Bath was admitted as Proprietor in his room 24th of April, 1694 (*Coll. Hist. Soc. of So. Ca.*, vol. I, 135). The Earl of Bath died 21st of August, 1701, and was succeeded by his son, John Lord Granville (*Ibid.*, 150). The share subsequently became vested in the Duke of Beaufort in April, 1709 (*Ibid.*, 156), who died 24th of May, 1714, and by his will devised it to James Bertie and Hon. Dodington Greville, trustees for his sons, Henry, the second Duke of Beaufort, and Charles Noel Somerset, in whose name it was surrendered to the Crown (*Statutes of So. Ca.*, vol. I, 62).

3. *Earl of Craven's Share.*—The Earl of Craven died 9th of April, 1697, without issue, and William Lord Craven, his grandnephew, succeeded to his proprietorship (*Coll. Hist. Soc. of So. Ca.*, vol. I, 141). He was succeeded by his son William Lord Craven 5th of November, 1711, in whose name the share was surrendered to the Crown (*Statutes of So. Ca.*, vol. I, 62).



4. *Lord Berkeley's Share.* — Lord Berkeley fell in arrears in the joint stock, failing to pay his quota, and his share appears to have been forfeited and disposed of by the Proprietors to Joseph Blake on the 11th of April, 1698 (*Dunson v. Treat, Coll. Hist. Soc. of So. Ca., vol. I, 118, 211*). He died in 1700, and was succeeded by his son Joseph Blake, a minor, in whose name the share was surrendered to the Crown (*Statutes of So. Ca., vol. I, 62*).

5. *Lord Ashley's Share.* — Lord Ashley, afterwards the Earl of Shaftesbury, died in exile, 21st of January, 1683, and was succeeded by his son Anthony Ashley, the second Earl, who died 10th of November, 1699, and was succeeded by his son Anthony Ashley, the third Earl (*Burke*). The share became vested in Maurice, brother of the third Earl, who died without issue in 1726 (*Ibid.*), when the same became vested in Archibald Harcheson, in trust for John Cotton, in whose name it was surrendered to the Crown (*Statutes of So. Ca., vol. I, 62*).

6. *Sir George Carteret's Share.* — Sir George Carteret died 13th of January, 1679, and was succeeded by his son Sir George, who died in 1695, and was succeeded by his son John Lord Carteret, afterwards Earl of Granville, who refused to join the other Proprietors in the surrender of 1729, and held his share until 1744, when he released upon the allotment to him in severalty of a part of North Carolina (*Colonial Records of No. Ca., vol. IV, 655*).

7. *Sir John Colleton's Share.* — Sir John Colleton died in 1666, and was succeeded by his son Sir Peter, who died April, 1691 (*Coll. Hist. Soc. of So. Ca., vol. I, 136*), and he was succeeded by his son Sir John, a minor, in whose name it was surrendered to the Crown (*Statutes of So. Ca., vol. I, 62*).

8. *Sir William Berkeley's Share.* — Sir William Berkeley died 13th of July, 1677 (*Cooke's Hist. of Va. Am. Com. Series, 296*). He devised his share to his widow, who afterwards married Philip Ludwell. While Lady Berkeley she sold the share to John Archdale, 20th of May, 1681, who took the title in the name of his son Thomas. Disregarding this sale, after her marriage she joined Philip Ludwell, her husband, in another sale of the same in 1682, and conveyed the same to Thomas Amy in trust for the then Duke of Albemarle, the then Lord Carteret, the Earl of Cavenagh, and Sir John Colleton. Subsequently, in 1697, the four noblemen, *cestuis que trust*, requested William Thornburg to act as trustee in the place of Amy. Thornburg did so act, but without conveyance of the title by Amy. Subsequently, in 1705, the four *cestuis que trust* sold to and executed a deed to John Archdale of the



same — the legal title still remaining in Thomas Amy. Archdale executed a deed for the same to his own son-in-law John Danson. 21st of October, 1708. These complications led to litigation, and under proceedings in chancery the share was again sold, together with that formerly of the Earl of Clarendon, then of Sothell, and was purchased, as before stated, by Hugh Watson as trustee of Henry and James Bertie, and subsequently this particular share was allotted to Henry Bertie (*Danson v. Trott*, above), in whose name it was surrendered to the Crown (*Statutes of So. Ca.*, vol. I, 62).

### III

#### LIST OF PALATINES

1. Duke of Albemarle,	21st of October, 1669	<i>Col. Rec. of No. Ca.</i> , I, 179
2. John Lord Berkeley,	20th of January, 1670	" " " I, 180
3. Sir George Carteret,		" " " I, 239
4. William Earl of Craven,	1681	" " " I, 338
5. John Earl of Bath, <sup>1</sup>	April, 1697	" " " I, 476
6. John Lord Gran-		<i>Coll. Hist. Soc. of So. Ca.</i> , I, 105
ville,	10th of January, 1701-2	" " " " I, 150
7. William Lord Craven,	1708	" " " " I, 153
8. Henry Duke of		
Beaufort,	8th of November, 1711	" " " " I, 183
9. John Lord Carteret,	10th of August, 1714	" " " " I, 163

<sup>1</sup> The Earl of Bath is mentioned as the *fourth* Palatine as follows: "1701-2 Jan 10 St James House—Memorandum of the death of John Earl of Bath *fourth* palatine of Carolina (21 August, 1701. Thursday) The Lords proprietors did not meet until Saturday 10 Jan 1701-2. when John Granville esq. succeeded the said Earl his father as the *fifth* palatine of Carolina" (*Coll. Hist. Soc. of So. Ca.*, vol. I, 150).

The explanation of this may be that as Lord Berkeley failed to pay his quota to the joint stock, he lost his position, as the other Proprietors did indeed sequester his share, but he certainly did succeed the Duke of Albemarle as above.

### IV

#### LANDGRAVES AND CACIQUES

The Royal charter reciting: "13<sup>th</sup>. And because many persons born and inhabiting in the said Province for their deserts and services may expect and be capable of marks of honour and favour *which in respect to the great distance cannot conveniently be conferred by us,*" etc.,





gave to the Proprietors "full power and authority to give and confer unto, and upon *such of the inhabitants of the said province or territory* as they shall think due or shall merit the same such marks of favour and titles of honour as they shall think fit so as their titles or honours be not the same as are enjoyed by or conferred upon any of the subjects of this our kingdom of England."

In carrying out this power the Proprietors provided in their Fundamental Constitutions as follows:—

"IX. There shall be just as many landgraves as there are counties, and twice as many Cassiques and no more. These shall be the hereditary nobility of the province," etc.

The nobility thus to be established, it will be observed, was intended by the charter to be confined to the inhabitants of the province, and so it was understood by the Proprietors, as shown by the above provision of the Fundamental Constitutions. But as will appear by the following list of Landgraves and caciques appointed, the restriction was disregarded. The titles were bestowed upon the friends of the Proprietors in England for services rendered them or from favor. In the following list, those who could at all come under the definition of "inhabitants" are given in italics. Most of these, it will be observed, were Governors; it being customary to compliment the Governor with the title and the accompanying 48,000 acres of land. The provision of the Constitutions limiting the number of Landgraves to the number of counties, and of the Caciques to double that number, it also appears was likewise disregarded. All the Governors appointed Landgraves are marked in the following lists as "inhabitants," because they actually came to Carolina, but in most of these cases it is questionable whether even they were included in the terms of the charter, as the title was bestowed upon them before their coming, and when they were not inhabitants of the colony.

#### LIST OF LANDGRAVES

1. John Locke, author of the Fundamental Constitutions, 1671.
2. James Carteret, Baronet, 1671.
3. *Sir John Yeamans*, first Governor of Carolina, 1671.
4. Sir Edmund Andros, appointed Governor of Carolina, but did not act, 1671.
5. *Colonel Joseph West*, Governor of Carolina, 1671.
6. Thomas Colleton, Esq., of Barbadoes, brother of Sir Peter Colleton, Proprietor, 1681.



7. *Joseph Mor(e)ton*, Esq., Governor of Carolina, 1681.
8. *Daniel Arrell* of the Council of Carolina, 1681.
9. *Sir Richard Kyrle*, Knight, Governor of Carolina, 1684.
10. *James Colleton*, Esq., Governor of Carolina, brother of Sir Peter, Proprietor, 1686.
11. Mr. John Price, 1687.
12. *Thomas Smith*, Esq., Governor of Carolina, 1691.
13. *Colonel Robert Daniel*, Deputy Governor of North Carolina; afterwards Governor of South Carolina, 1691.
14. *John Archdale*, Governor of Carolina, Proprietor, 1694.
15. *Joseph Blake*, Proprietor and Governor of Carolina, 1696.
16. *Thomas Amy*, Esq., Merchant of London, Proprietor, 1697.
17. *Edmund Bellinger* of the Council of Carolina, 1698.
18. *John Bayly*, Esq., of Balmaclough, Tipperary, Ireland, 1698.
19. *John Wyche*, Esq., of London, Secretary of Proprietors, 1700.
20. *Sir Nathaniel Johnson*, Knight, M. P., Governor of Carolina, 1703.
21. *Christopher Baron de Graffenreid*, 1709.
22. Major Edward Jukes, 1709.
23. *Abel Kettleby*, Esq., of the Middle Temple, Barrister, Attorney General, and agent of province, 1715.
24. Mr. William Hodgson, son-in-law of Lord Craven.
25. *Charles Eden*, Esq., Governor of North Carolina, 1718.

### LIST OF CACIQUES

1. *Captain Henry Wilkinson*, 1681.
2. Mr. John Smith of the Grand Council of Carolina, 1682.
3. Major Thomas Rowe, 1682.
4. Mr. Thomas Amy of London (see above list of Landgraves), 1682.
5. *John Gibbs*, Esq., a relative of the Duke of Albemarle, 1682.
6. *John Ashby*, Esq., of London, 1682.
7. *John Monk*, Esq., named by Duke of Albemarle, 168—.
8. *Sir Nathaniel Johnson* (see above list of Landgraves), 1686.
9. *Dr. Christopher Duminick*.
10. *Thomas Sayer*, Esq., of the Council of Carolina (see above list of Landgraves), 1690.
11. *Philip Ludwell*, Esq., Governor of Carolina, 1692.
12. Mr. William Hodgson (see above list of Landgraves), 1715.



NOTE.—Of the foregoing lists the names of the Landgraves up to and including that of John Price, and the names of the Caciques up to and including John Monk, are to be found in the *Calendar of State Papers, Colonial Series*, 1690–74, edited by Noel Sainsbury, Assistant Keeper of Records, London, 1889. The remainder has been collated with the assistance of Langdon Cheves, Esq., counsellor at law, Charleston, South Carolina.

In the *Col. Hist. Soc. of So. Ca.*, vol. I, 174, there are these entries. "1726 July 1. Document signed Thomas Lowndes being a memorandum that he has purchased of the heirs and executors of John Price deceased a landgraveship with four baronies of 12,000 acres thereto annexed; that the said Mr. Lowndes did surrender his patent and did accept in lieu four single baronies one in his own name, and three in the names of three other persons in trust for him."

*Ibid.*, 198. "1726 March 30. . . . Agreed to make Col. Samuel Horsey for his services a landgrave annexing thereto four baronies of 12,000 acres each."

## V

### LIST OF GOVERNORS

1. Sir John Yeamans, Lieutenant General and Governor of the province of Carolina, 11th of January, 1664–65.

2. William Sayle, first Governor of the colony established on the Ashley River, July 26, 1669; died September, 1670.

3. Joseph West, chosen by Council on death of Sayle, September, 1670; removed by Proprietors, 19th of April, 1672.

4. Sir John Yeamans, proclaimed by Proprietors, 19th of April, 1672; removed 18th of April, 1674.

5. Joseph West, appointed by Proprietors, 18th of April, 1674; removed 18th of May, 1682.

6. Joseph Morton, appointed by Proprietors, 18th of May, 1682; removed — April, 1684.

7. Richard Kyrle, appointed by Proprietors, 20th of April, 1684; died, —, 1684.

8. Robert Quarry, chosen by Council on death of Kyrle, —, 1684; removed by Proprietors, 11th of March, 1684–85.

9. Joseph West, appointed by Proprietors, 11th of March, 1684–85; retired September, 1685.



10. Joseph Mor(e)ton, chosen by Council September, 1685; confirmed by Proprietors; removed, —, 1686.

11. James Colleton, appointed by Proprietors, —, 1686; overthrown by revolution, 1690.

12. Seth Sothell, assumed government as a Proprietor, 6th of October, 1690; yielded to Ludwell, appointed by Proprietors, 2d of November, 1691.

13. Philip Ludwell, appointed by Proprietors, 2d of November, 1691; removed by Proprietors, 29th of November, 1693.

14. Thomas Smith, appointed by Proprietors, 29th of November, 1693; retired, 1694.

15. Joseph Blake, chosen by Council, 1694; removed by Proprietors, 31st of August, 1694.

16. John Archdale, appointed by Proprietors, 31st of August, 1694; retired —, 1696.

17. Joseph Blake, appointed by Governor Archdale as Deputy on his retirement under special power, —, 1696; appointment confirmed by Proprietors, 25th of April, 1697; died, 1700.

18. James Moore, chosen by Council, 1700; not confirmed by Proprietors but allowed to exercise office until 18th of June, 1702.

19. Sir Nathaniel Johnson, appointed by Proprietors, 18th of June, 1702; removed, 9th of December, 1708.

20. Colonel Edward Tynte, appointed by Proprietors, 9th of December, 1708; died, 1709.

21. Robert Gibbes, chosen by Council, 1709; not confirmed by Proprietors but allowed to exercise office until 1712.

22. Hon. Edward Craven, appointed by Proprietors, —, 1712; retired, 25th of April, 1716.

23. Robert Daniel, appointed by Governor Craven as Deputy, on his retirement under special power, 25th of April, 1716; removed, 30th of April, 1717.

24. Robert Johnson, appointed by Proprietors, 30th of April, 1717; Proprietary Government overthrown, 21st of December, 1719.

25. James Moore, son of former Governor, chosen by the Convention, 21st of December, 1719.





## VI

## LAW OFFICERS

## CHIEF JUSTICES:

Edmund Bohun . . . . .	1698-1700
James Moore . . . . .	1700-1701
Nicholas Trott . . . . .	1702-1709
Robert Gibbes . . . . .	1709-1713
Nicholas Trott . . . . .	1713-1719

## ATTORNEY GENERALS:

Nicholas Trott . . . . .	1698-1702
James Moore . . . . .	1703-
William Sanders . . . . .	1708-1710
George Evans . . . . .	1710-1716
Richard Pindar . . . . .	1716
George Rodd . . . . .	1716
Richard Allein . . . . .	1718

## JUDGES OF COURT OF ADMIRALTY:

Joseph Mor(e)ton . . . . .	1699
John Turbill . . . . .	1708
Thomas Nairne . . . . .	1710
Nicholas Trott . . . . .	1716



## VII

## POPULATION

	Negro Whites, Slaves.		Total.	
1671	200	..	200	<i>Calendar State Papers, Colonial</i> (Sainsbury), London, 1889, No. 474.
1671-72	399	..	399	<i>Calendar State Papers, Colonial</i> (Sainsbury), London, 1889, No. 736. <i>Charleston Year Book</i> (Courtenay), 1883, 379.
1680	1200	..	1200	T——A——Gen't (Thomas Ashe), Carroll's <i>Coll.</i> , vol. II, 82.
1685	2500	..	2500	Howe's <i>Hist. of Presb. Ch.</i> , 85; <i>Charleston Year Book</i> , <i>supra</i> , 385. <sup>1</sup>
1699-1700	5500	..	5500	Edward Randolph, Appendix, <i>Hist. Sketches</i> (Rivers), 443; <i>Coll. Hist. Soc. of So. Ca.</i> , vol. I, 210; Hewatt's <i>Hist. of So. Ca.</i> , vol. I, 147; Draryt's <i>View of So. Ca.</i> , 193; Daleho's <i>Ch. Hist.</i> , 39; see <i>ante</i> , Chap. XIV.
1701	..	..	7000	Mills's <i>Statistics of So. Ca.</i> , 177, quoting Humphrey's <i>Historical Account of Society for Propagation of the Gospel</i> , 25. <sup>2</sup>
1708	4080	4100	8180	Report of Governor N. Johnson, <i>Hist. Sketches of So. Ca.</i> (Rivers), 232; Chapter <i>Colonial Hist. of Carolina</i> (Rivers), 66; <i>Coll. Hist. Soc. of So. Ca.</i> , vol. II, 217. <sup>3</sup>
1708	..	..	12,000	Oldmixon's <i>British Empire in Am.</i> , vol. I, 518; Carroll's <i>Coll.</i> , vol. II, 460; Chapter <i>Colonial Hist.</i> , 66. <sup>4</sup>
1714	..	10,000	..	<i>Hist. Sketches of So. Ca.</i> (Rivers), 251. note.
1715	6250	10,500	16,750	Hildreth's <i>History of the United States</i> , vol. II, 278.
1716	..	10,000	..	<i>Colonial Records of No. Ca.</i> , vol. II, 233.
1719	6460	..	..	Report of Governor Robert Johnson, <i>Coll. Hist. Soc. of So. Ca.</i> , vol. II, 239.

<sup>1</sup> This is a mere estimate by the author Dr. Howe, resting upon no original authority which we can find.

<sup>2</sup> Estimate of Dr. Humphrey's, resting upon no original authority.

<sup>3</sup> Governor Johnson reports the number of Indian slaves as 1400.

<sup>4</sup> Estimate of Oldmixon, the author, contradicted by report of Governor Sir Nathaniel Johnson and Council.



## VIII

AN ACCOUNT OF THE NUMBER OF SHIPS AND VESSELS ENTERED, AND OF NEGROES IMPORTED FROM THE YEAR 1706 TO THE YEAR 1724, BOTH INCLUSIVE; VIZ.:—

Years.	Negroes.	Vessels.
1706 . . . . .	24 . . . . .	68
1707 . . . . .	22 . . . . .	66
1708 . . . . .	53 . . . . .	81
1709 . . . . .	107 . . . . .	70
1710 . . . . .	131 . . . . .	92
1711 . . . . .	170 . . . . .	81
1712 . . . . .	76 . . . . .	82
1713 . . . . .	159 . . . . .	99
1714 . . . . .	419 . . . . .	121
1715 . . . . .	81 . . . . .	133
1716 . . . . .	67 . . . . .	162
1717 . . . . .	573 . . . . .	127
1718 . . . . .	529 . . . . .	114
1719 . . . . .	541 . . . . .	137
1720 . . . . .	601 . . . . .	129
1721 . . . . .	165 . . . . .	121
1722 . . . . .	323 . . . . .	120
1723 . . . . .	436 . . . . .	116
1724 . . . . .	604 . . . . .	122
In 19 years . . .	5081 . . . . .	2041

This account is taken from "The Report of the Committee of the *Commons House* of Assembly of the Province of South Carolina, on the State of the Paper Currency of the said Province. London. Printed by Thomas Wood, in the year MDCCXXXVII."



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